761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHL.<IFF'S DEPARTMENT

DATE: June 16, 2003

OFFICE CORRESPONDENCE FILE:

FROM: RICHARD L. CASTRO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: RICHARD W. SHAW, CAPTAIN
TEMPLE STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, NOVEMBER 18, 2001, REVIEW #2051739**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on November 18, 2001.

The Committee met on June 12, 2003, and consisted of myself and Commanders Lynda Castro (Commander of the Department) and Michael Savidan (Leadership & Training Division). The Committee determined that the use of force by Deputies Nicholas Budge #[redacted] Mark Wilkening #[redacted] Randall Slate #[redacted] #[redacted] Richard Miller #[redacted] and Eric Olson #[redacted] and Sergeant Edward Herron #[redacted] was within Department policy. **Please advise the personnel of this finding.**

The Committee directed the Unit Commander conduct a tactical debriefing with the involved personnel, including the use of command posts, early notification of Special Enforcement Bureau personnel, and the approved manner to carry authorized shotgun slug rounds.

The Committee additionally directed Field Operations Training personnel examine MPP 3-03/210.10 and ensure that field personnel are aware of the approved method of carrying shotgun slug rounds.

RLC:KRK:kk

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OFFICER INVOLVED SHOOTING EVALUATION

OFFICER INVOLVED SHOOTING FORM

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A. Homicide Book, File #001-17422-0533-032
B. Photographs of Suspect's Weapon
C. Photographs of Motel and Suspect's Positions at Motel
D. Photographs of Views of Shooting Scene on Garvey Ave. from Deputies' Perspectives, Including Aerial Overviews
E. Photographs of Bullet Strike Damage to Private Property at Shooting Scene
F. Edited Videotape of Incident from Deputy [redacted] Patrol Vehicle Video Camera

MISCELLANEOUS DOCUMENTS

- Temple Station In-Service Sheets for EM 11-18-01
- District Attorney's Office J.S.I.D. Letter of Opinion
- CCHRS Printout of Suspect Cerda's Criminal History
- Memo to Sheriff Regarding Shooting

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
NOV. 18, 2001	TEMPLE	☐	☒

Incident Information

URN: 401-17422-0533-032	Date: NOVEMBER 18, 2001 Time:
City or Station: TEMPLE	Nature of Incident: DEPUTY INVOLVED SHOOTING- SUSPECT HIT
Location: 8463 GARVEY AVE, ROSEMEAD "NICE DAY INN" MOTEL	

Circled options are shown in bold.

Location Type (*circle one or more*): Backyard, Beach, **Business**, Freeway, Industrial, Park, **Parking Lot**, Residence, Rural, School, **Street**, Other: ______

Lighting (*circle only one*): **Darkness**, Daylight, Other, Street Lights

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance: 180 FEET

Incident Type (*circle one or more*): Accidental, **Armed Person**, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation**, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol**

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
23	1	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	COBOS	CYNTHIA		**EM** PM Day	**Regular** Overtime Off Duty
[redacted]	BAZYOUROS	JASON		**EM** PM Day	**Regular** Overtime Off Duty
[redacted]	ESCAMILLA	RAMON		**EM** PM Day	**Regular** Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.		
SEE PAGES 7-12				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**	**M.I.**		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name	**First Name**	**M.I.**		
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	HERRON	EDWARD		**On Duty**, **Present during shooting**, Witness to shooting, **Involved in shooting**
[redacted]	VELEZ	HUMBERTO		**On Duty**, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	KUNIHIRO	ALLEN	T

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	BROOKWELL	ANDREW	R

PSTD Use Only
SH # 2051739

SH-R-438A rev. 3/97

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11-18-01	0700	12/7/01	

Employee #	Last Name	First Name	M.I
[redacted]	BERG	MICHAEL	R
[redacted]	HINES	WILLIAM	L
[redacted]	O'BRIEN	THOMAS	M

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	S 1-7	FS	ZZ	12			NN	
E1	S1	FS	IT	12	Y	Y	GS	BT
E2	S1	FS	HK	45	Y	Y	NN	BT
E3	S1	FS	IT	12	Y	Y	GS	BT
E4	S1	FS	IT	12	Y	Y	GS	LE
E5	S1	FS	BR	9	Y	Y	GS	LE
E6	S1	FS	IT	12	Y	Y	GS	BT
E7	S1	FS	IT	12	Y	Y	GS	LE

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 401-17422-0533-032

Involved Employee

E 1

Employee # [redacted]	Last Name: BUDGE	First Name: NICHOLAS	M.I.
Sex: M Race: W	Rank: DEPUTY	Unit Assignment: TEMPLE	Work Assignment (Unit #, Module, etc.): 57
ShiftTime (*circle only one*): (EM) PM Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5-09 Weight: 180			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit:	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 2

Employee # [redacted]	Last Name: WILKENING	First Name: MARK	M.I.
Sex: M Race: W	Rank: DEPUTY	Unit Assignment: TEMPLE	Work Assignment (Unit #, Module, etc.): 57
ShiftTime (*circle only one*): (EM) PM Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 6-00 Weight: 200			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 3

Employee # [redacted]	Last Name: SLATE	First Name: RANDALL	M.I.
Sex: M Race: W	Rank: DEPUTY	Unit Assignment: TEMPLE	Work Assignment (Unit #, Module, etc.): 53
ShiftTime (*circle only one*): (EM) PM Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 6-00 Weight: 195			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

Officer Involved Shooting
Involved Employee Information

URN: 401-17422-0533-032

Involved Employee

E 4

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: H	Rank: DEPUTY	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): [redacted] PM Day	ShiftType (*circle only one*): [redacted] Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☐
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height:	Weight:		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 5

Employee # [redacted]	Last Name MILLER	First Name RICHARD	M.I.
Sex: M Race: W	Rank: DEPUTY	Unit Assignment: TEMPLE	Work Assignment (Unit #, Module, etc.): 58T1
ShiftTime (*circle only one*): (EM) PM Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5-08	Weight: 160		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E 6

Employee # [redacted]	Last Name OLSON	First Name ERIC	M.I.
Sex: M Race: W	Rank: DEPUTY	Unit Assignment: TEMPLE	Work Assignment (Unit #, Module, etc.): 55T1
ShiftTime (*circle only one*): (EM) PM Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 6-0	Weight: 185		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 001=17422-0533-032

Involved Employee

E 7

Employee # [redacted]	Last Name: HERRON	First Name: EDWARD	M.I.
Sex: M Race: H	Rank: SGT	Unit Assignment: TEM	Work Assignment (Unit #, Module, etc.): 50S
ShiftTime (*circle only one*): EM (circled) PM Day	ShiftType (*circle only one*): Regular (circled) Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # — Interviewed? [X]
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest (circled)	Other Factors:
Age: [redacted] Height: 5-10 Weight: 200			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # — Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E ___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # — Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 401-17422-0533-032

Suspect Information

S 1

Last Name: CERDA		First Name: SERGIO	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 18 D.O.B. 06-06-83	Height: 5-09 Weight: 160	FBI #: [redacted]	CII #: [redacted]
Booking #: 7086 786	Primary Charge: 664/187 PC	Secondary Charge: 211PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: NONE		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

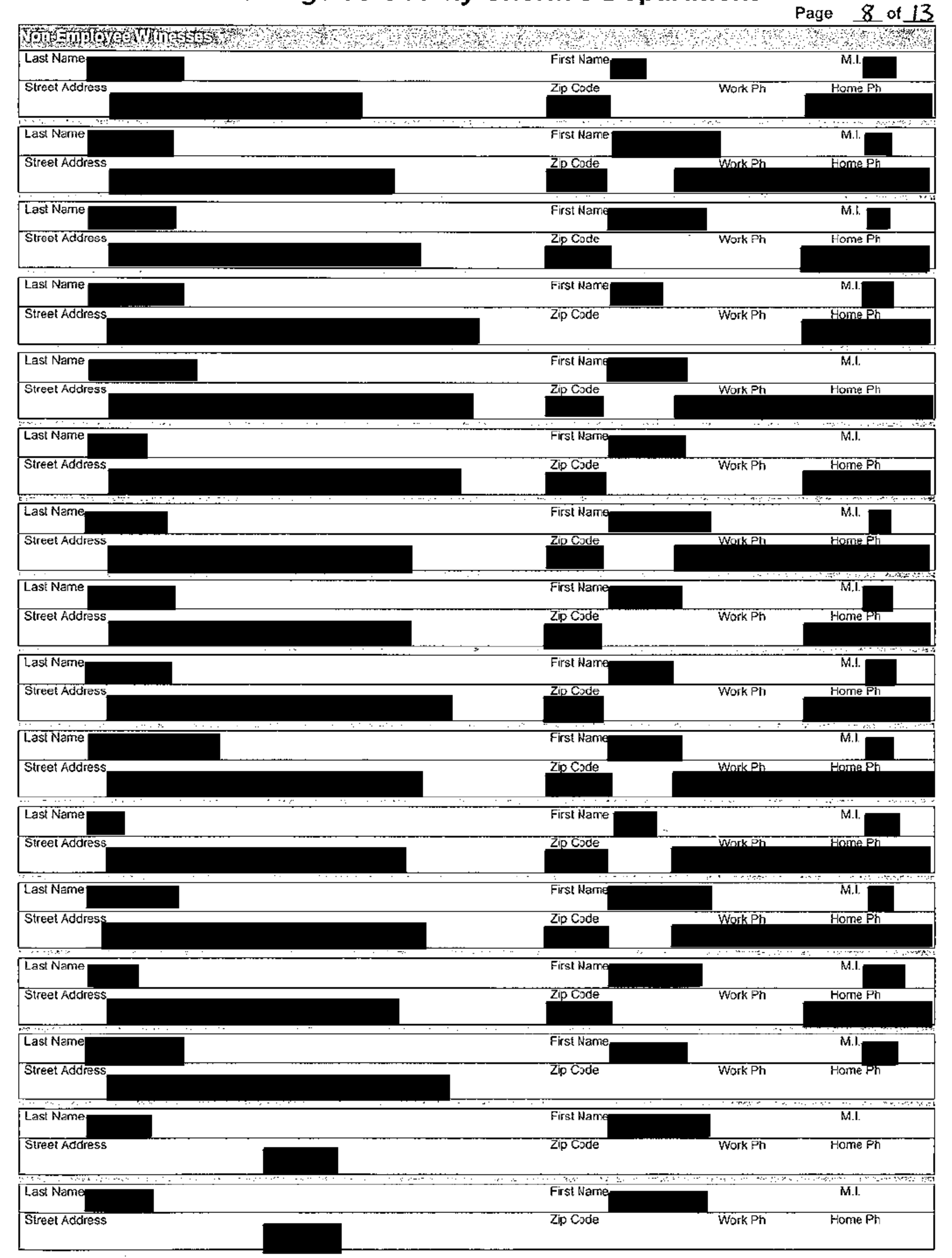
See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	N.	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]			
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]			[redacted]
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[redacted]	[redacted]		[redacted]			
[redacted]	[redacted]		[redacted]			

SUPPLEMENTAL NON-EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]			[redacted]
[redacted]	[redacted]		[redacted]			[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
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SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
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SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
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SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]		[redacted]	
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				93292		

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
QUIRE	JOSEPH		TEMPLE STATION		626-285-7171	
CABRERA	STEPHEN		TEMPLE STATION		626-285-7171	
BERBIAR	MICHAEL		TEMPLE STATION		626-285-7171	
DENVER	LOUIS		TEMPLE STATION		626-285-7171	
SIVIXAY	BRANDON		TEMPLE STATION		626-285-7171	
DE LA O	LOUIE		TEMPLE STATION		626-285-7171	
KUNIHIRO	ALLEN		TEMPLE STATION		626-285-7171	

INVESTIGATIVE SUMMARY
DEPUTY-INVOLVED HIT SHOOTING; SUSPECT WOUNDED
SH2051739
URN: 001-17422-0533-032

On Sunday, November 18, 2001, Sergeants Michael Berg and William Hines of the Internal Affairs Bureau responded to the Niceday Inn at 8463 Garvey Avenue in Rosemead, regarding a deputy-involved hit shooting. Internal Affairs Bureau Lieutenant Thomas O'Brien also responded, along with several other IAB sergeant investigators. At approximately 0352 hours, Deputies Joseph Quire and Cynthia Cobos were on patrol. As they drove past the Niceday Inn, Deputy Quire observed a robbery in progress. He saw a male Hispanic holding a sawed-off shotgun at the motel office window. Quire made a radio broadcast and contained the west side of the location. Quire then heard a shotgun blast and made a radio broadcast of shots fired.

Responding deputies contained the location and positioned themselves in front of the motel on Garvey Avenue, 50-70 yards east of the location. Other deputies were positioned around the perimeter of the motel. A male Hispanic, [redacted] walked out of the motel driveway onto Garvey Ave. and laid on the ground. Another male Hispanic suspect, Sergio Cerda, walked into the motel driveway holding a sawed-off shotgun. Cerda was did not comply with deputies' orders to drop the gun. Cerda walked in and out of the deputies' view several times. Each time, he retreated toward the motel office or behind a wall. When Cerda walked into view, he yelled obscenities, gang names, threw money onto the street and told the deputies to shoot him.

At one point, Cerda stood in the driveway and raised his shotgun toward the deputies east of the motel, and fired one round from his shotgun. Six deputies (Deputies Miller, Olson, Slate, [redacted] Budge and Wilkening) and one sergeant (Sergeant Herron) returned fire. Cerda again retreated out of view into the motel. While Cerda was out of view, deputies used the sergeant's vehicle for cover, approached [redacted] and took him into custody. Deputies requested SEB to respond to the location. Cerda came out once again, placed his shotgun on the ground, and picked it up. He again returned into the motel. Deputies were advised by the Temple Station desk that they were in contact via a 9-1-1 line with Cerda. Several minutes later, Cerda came out onto the driveway, laid down and was taken into custody by SEB.

Cerda suffered one through-and-through gunshot wound to his groin/buttocks. He was treated at LCMC for his injuries. No deputy personnel were injured. The Crime Lab was unable to determine which rounds and weapons were used to injure the suspect.

Deputy Beardsley from the Force Training Unit and Lt. Ralph Webb of the Civil Litigation Unit also responded to the scene. A videotape (Exhibit F) of the incident was obtained from Deputy [redacted] camcorder-equipped patrol vehicle. The videotape, though of poor quality, depicts the suspect throwing money (bills) into the motel driveway, and firing his shotgun at deputies.

INVOLVED PERSONNEL

MILLER, Richard, Deputy #[redacted]
Field Operations Region I
Temple Station

HERRON, Edward, Sergeant #[redacted]
Field Operations Region I
Temple Station

OLSON, Eric, Deputy #[redacted]
Field Operations Region I
Temple Station

SLATE, Randall, Deputy #[redacted]
Field Operations Region I
Temple Station

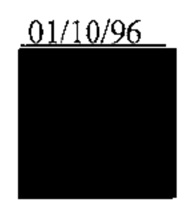
[redacted] #[redacted]
Field Operations Region I
[redacted]

WILKENING, Mark, Deputy #[redacted]
Field Operations Region I
Temple Station

BUDGE, Nicholas, Deputy #[redacted]
Field Operations Region I
Temple Station

EMPLOYEE WORK HISTORY:

MILLER, Richard

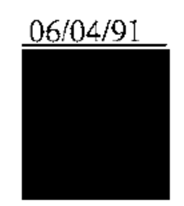
Date of Employment	01/10/96
Date assigned to Patrol	[redacted] 
Completed Patrol Training	
Prior Shooting Incident(s)	
Prior Founded Force Incidents	

HERRON, Edward
Date of Employment 01/21/77

Date assigned to Patrol [redacted]
Completed Patrol Training
Prior Shooting Incident(s)
Prior Founded Force Incidents

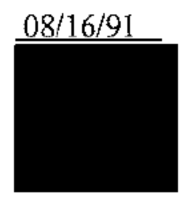
OLSON, Eric
Date of Employment 02/08/95

Date assigned to Patrol [redacted]
Completed Patrol Training
Prior Shooting Incident(s)
Prior Founded Force Incidents

SLATE, Randall
Date of Employment 06/04/91

Date assigned to Patrol [redacted]
Completed Patrol Training
Prior Shooting Incident(s)
Prior Founded Force Incidents

[redacted]

Date of Employment [redacted]
Date assigned to Patrol
Completed Patrol Training
Prior Shooting Incident(s)
Prior Founded Force Incidents

WILKENING, Mark
Date of Employment 08/16/91

Date assigned to Patrol [redacted]
Completed Patrol Training
Prior Shooting Incident(s)
Prior Founded Force Incidents

BUDGE, Nicholas
Date of Employment 07/11/00

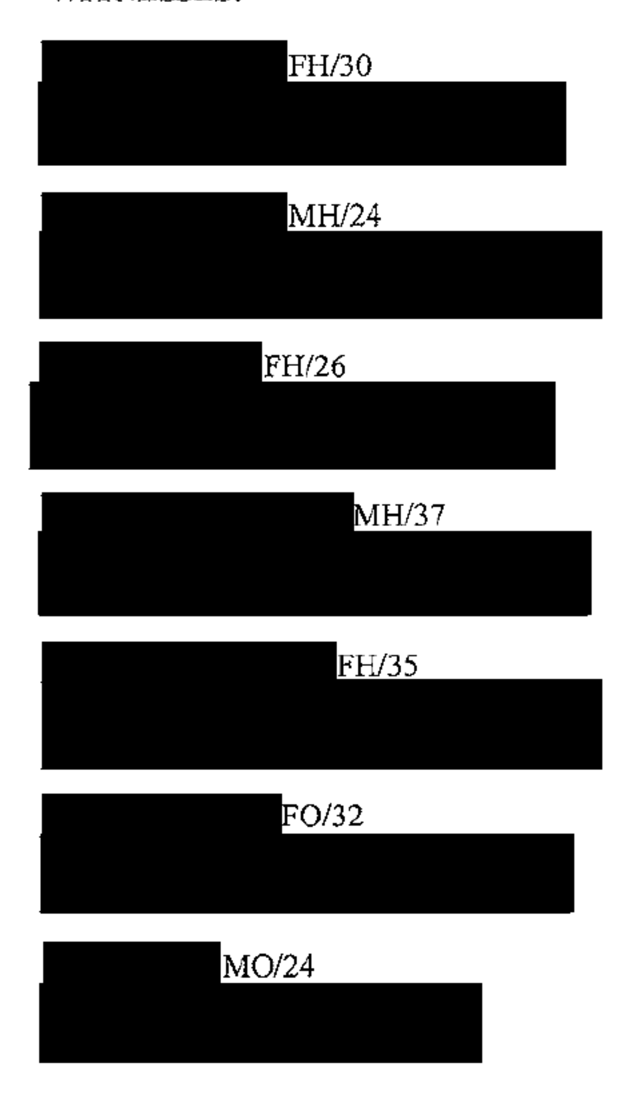
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Completed Patrol Training
Prior Shooting Incident(s)
Prior Founded Force Incidents

SUSPECT:

Cerda, Sergio MH/18 Booking #7086786

Suspect Cerda has an extensive criminal background. A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Suspect Doe ([redacted]) has been [redacted] Cerda is a documented "Primera Flats" gang member with the moniker of "Demo." During the described incident, he claimed he was a member of the "Lomas" gang. Cerda's [redacted] Please refer to the CCHRS printout attached to Doe's booking packet, and also included under Miscellaneous Documents for additional details regarding his criminal history (Exhibit A).

WITNESSES:



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[redacted] MH/24
[redacted]

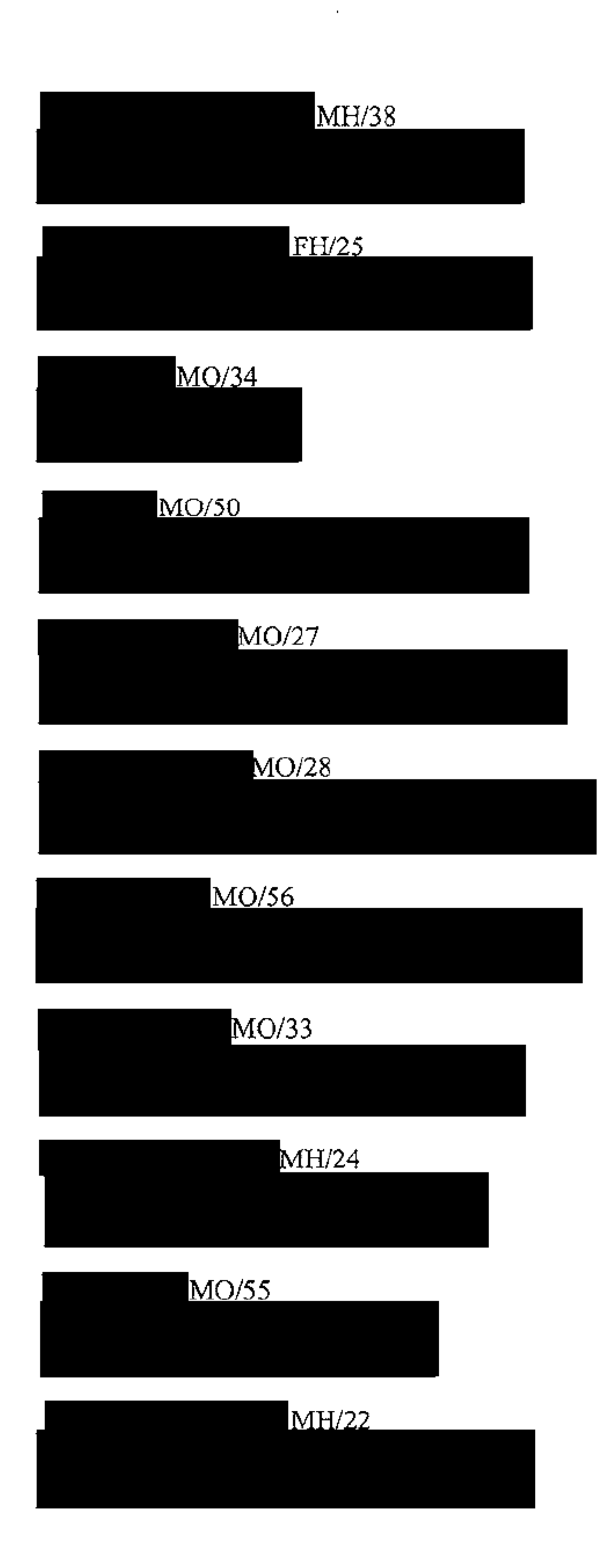
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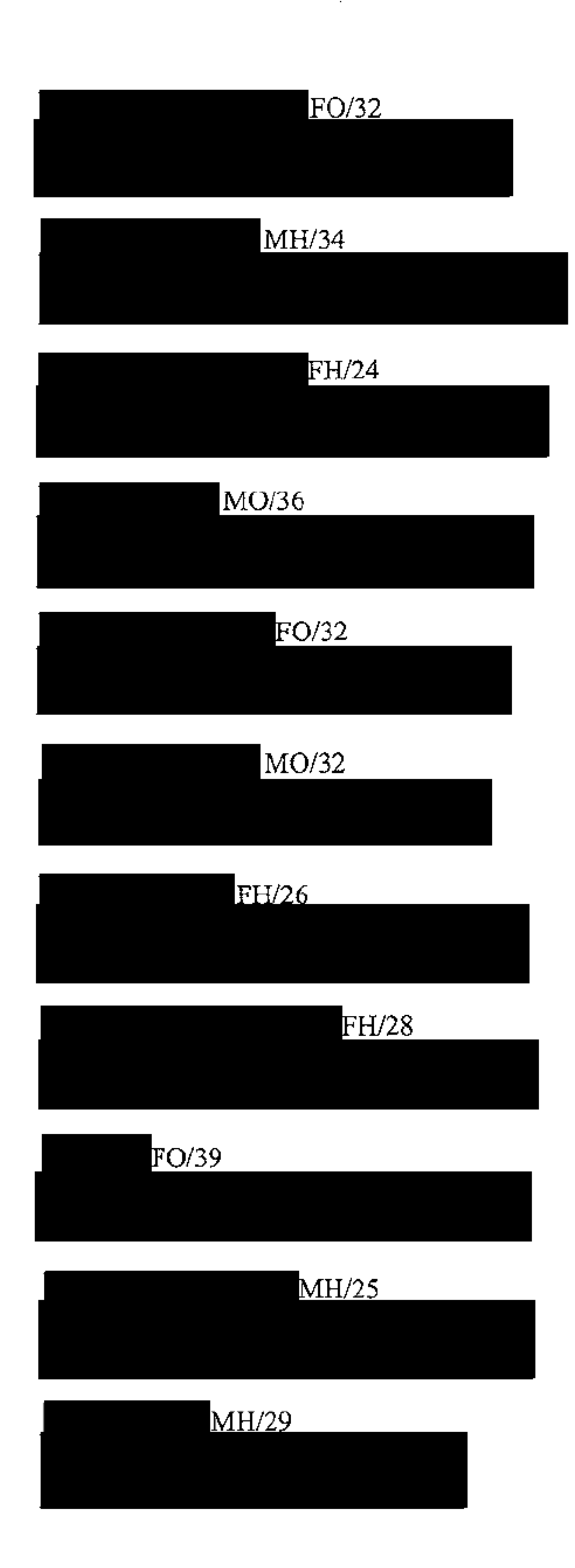
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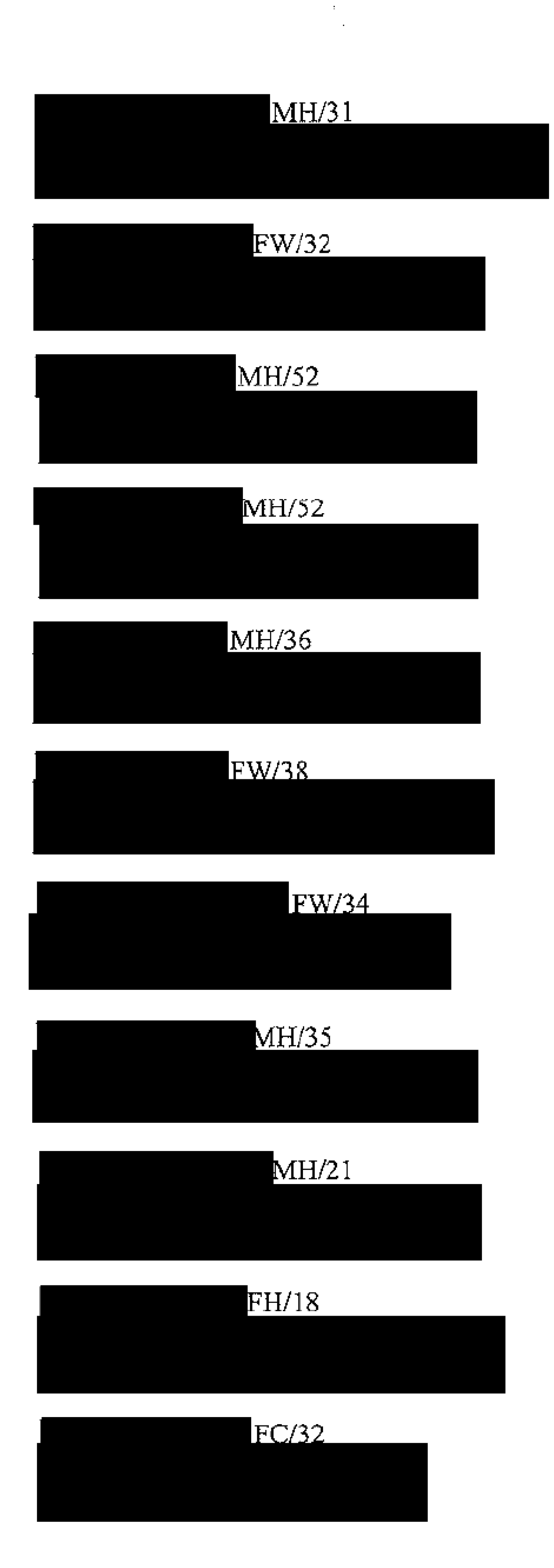
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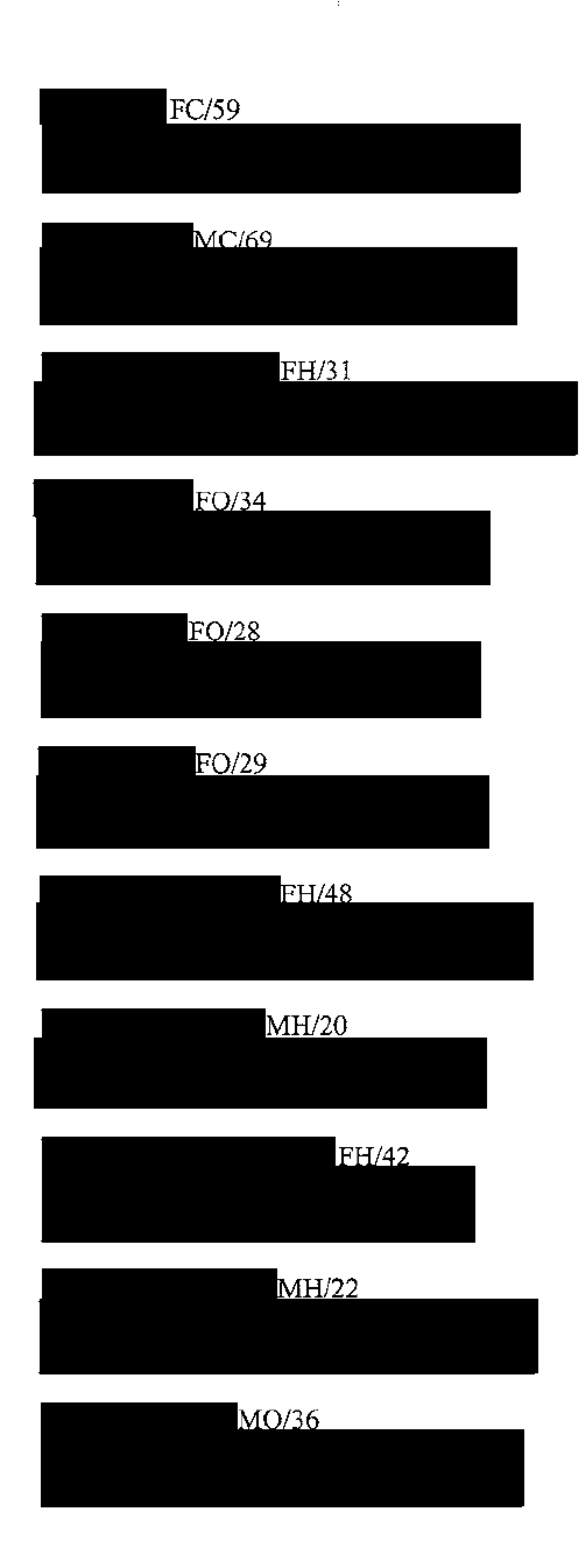
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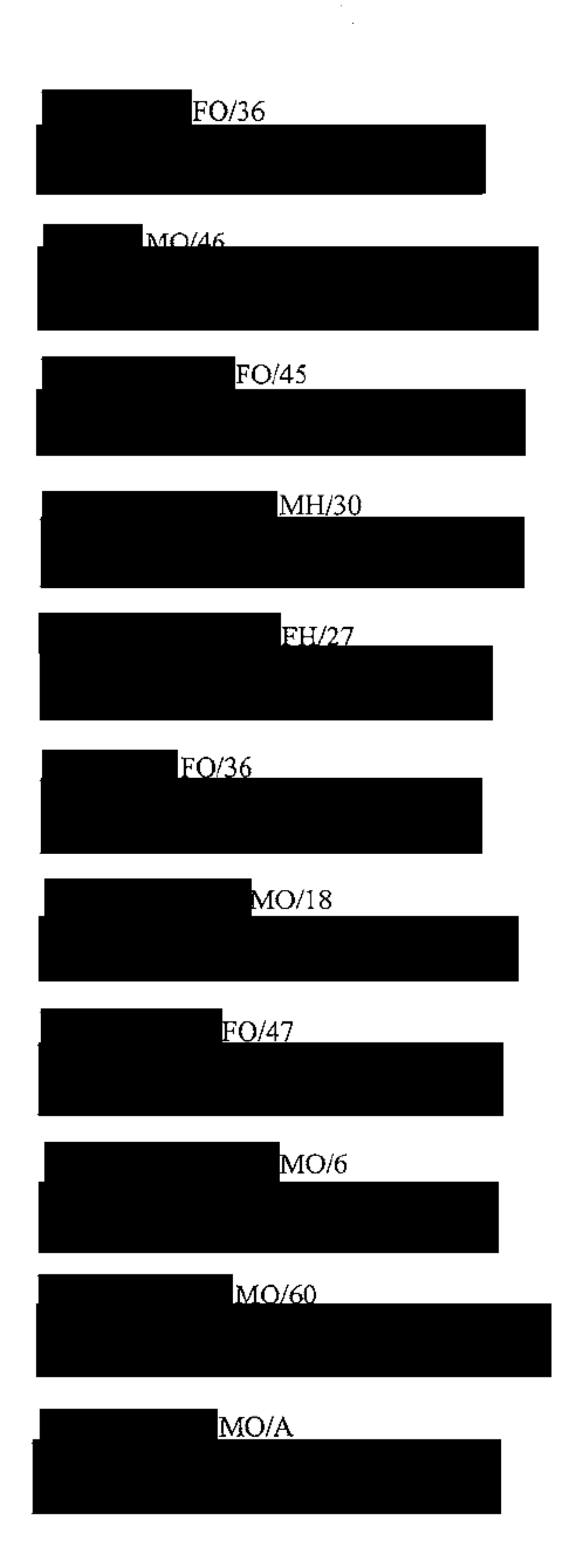
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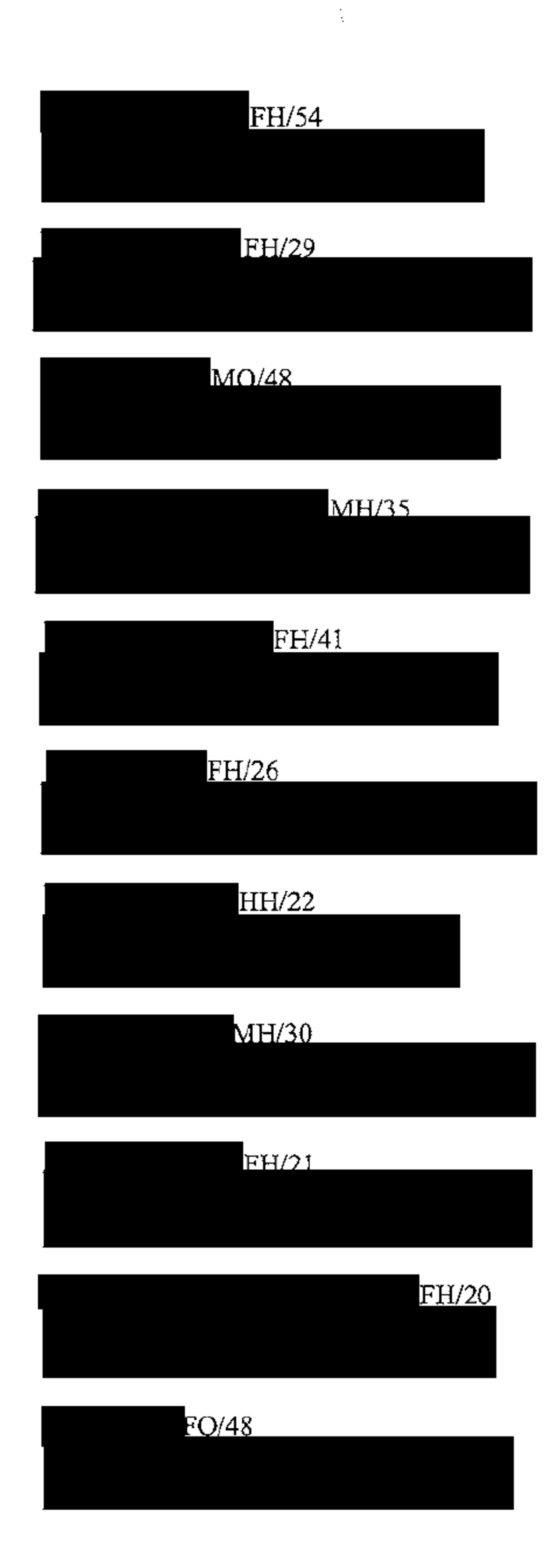
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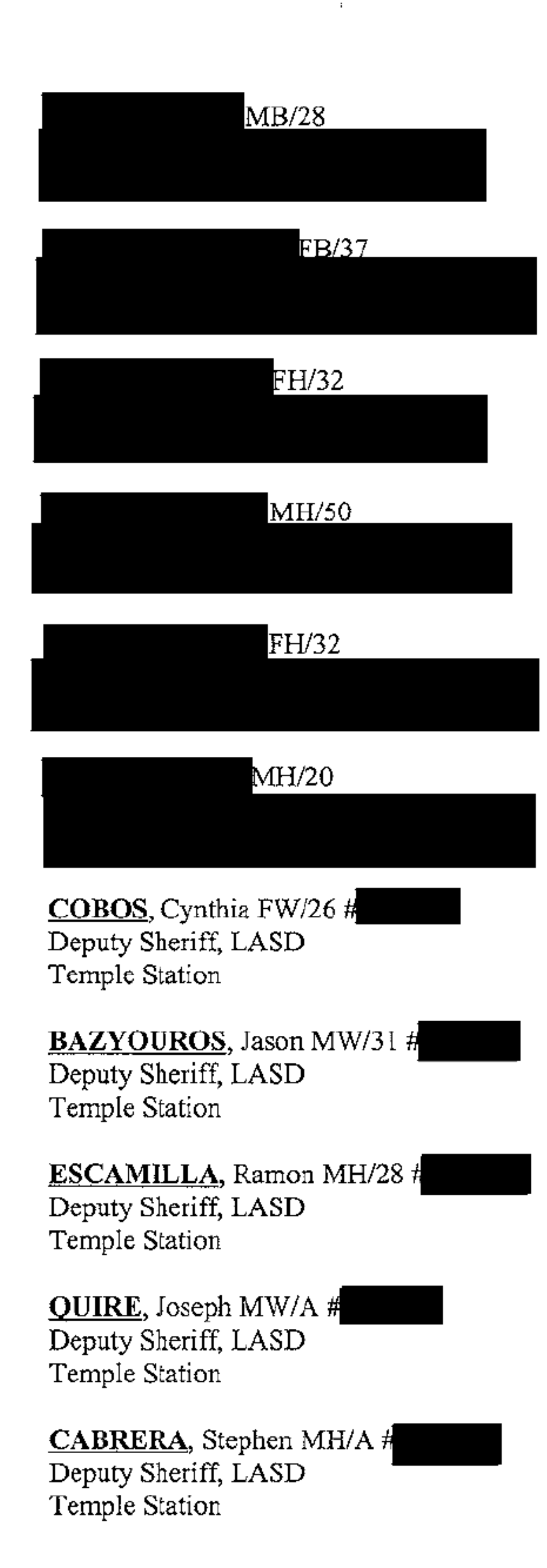
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[redacted]MH/20
[redacted]

COBOS, Cynthia FW/26 #[redacted]
Deputy Sheriff, LASD
Temple Station

BAZYOUROS, Jason MW/31 #[redacted]
Deputy Sheriff, LASD
Temple Station

ESCAMILLA, Ramon MH/28 #[redacted]
Deputy Sheriff, LASD
Temple Station

QUIRE, Joseph MW/A #[redacted]
Deputy Sheriff, LASD
Temple Station

CABRERA, Stephen MH/A #[redacted]
Deputy Sheriff, LASD
Temple Station

BERBIAR, Michael MW/A #[redacted]
Deputy Sheriff, LASD
Temple Station

DENVER, Louis MW/A #[redacted]
Deputy Sheriff, LASD
Temple Station

SIVIXAY, Brandon MW/A #[redacted]
Deputy Sheriff, LASD
Temple Station

DE LA O, Louie MO/A #[redacted]
Deputy Sheriff, LASD
Temple Station

KUNIHIRO, Allen MO/A #[redacted]
Sergeant, LASD
Temple Station

INJURIES:

CERDA, Sergio
-gunshot wound, through and through, to front left groin area and exit via buttocks

Suspect Cerda was treated at the Emergency Room at Los Angeles-USC Medical Center following the incident.

No deputies were injured during the incident.

PHYSICAL EVIDENCE:

Refer to the Homicide Book, Exhibit A, pages 211-282 for Physical Evidence gathered at the crime scene(s) and processed by the Crime Lab.

INVESTIGATOR OBSERVATIONS:

The physical evidence at the shooting scene (positions all shell casings, bullet holes, state of the motel office, videotape) appears to be consistent with, and supportive of, the deputies' versions of the events. Refer to the Homicide Book (Exhibit A)for additional scene observations.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Miller, Richard
Departmental-issued service firearm; Beretta 92FS 9mm, serial #BER[redacted]Z; 11 rounds of duty-issue 9mm ammunition fired.

Sergeant Herron, Edward
Departmental-issued shotgun; Ithaca, 12-gauge; 2 rounds of unknown type ammuntion.

Deputy Olson, Eric
Departmental-issued shotgun; Ithaca, 12-gauge; 1 round of 00 Buck ammunition fired.

Deputy Slate, Randall
Departmental-issued shotgun; Ithaca, 12-gauge; 2 rounds of duty-issue Remington 2 3/4-inch, 1 ounce rifle slugs.

Deputy [redacted]
Departmental-issued shotgun; Ithaca 12-gauge; 1-3 rounds of 00 Buck ammunition fired.

Deputy Wilkening, Mark
Service pistol; H & K USP .45 caliber, serial #[redacted]1 round of duty-issue .45 caliber ammunition fired.

Deputy Budge, Nicholas
Departmental-issued shotgun; Ithaca 12-gauge; 2 rounds of duty-issue 00 Buck ammunition fired.

All of the above weapons were test fired and found to be functional by Crime Lab Firearms Examiner James Carroll. Refer to the homicide book, Exhibit A, pages 268-276, under receipt number J220313, and sub-receipt number J220314.

IAB Note: The five Ithaca shotguns were test fired and compared to the recovered shotshells, with inconclusive results. The Firearms Examiner determined the shotguns and shotshells all shared similar class characteristics but lack sufficient individual characteristics for identification or elimination. It could not be determined which rounds wounded the suspect, or which rounds caused the property damage (see Property Damage Section). Refer to Exhibit A, homicide book, pages 268-271 for the Firearms Examiner's conclusions and opinions.

WEAPONS USED BY SUSPECTS:

Suspect Cerda used a "Companhia Brasileira De Cartuchos" sawed-off (18 inches in overall length) shotgun, Model SB, 12-gauge, single-barrel break action, serial #[redacted] The shotgun's barrel also had been cut down to a length of 10 5/8 inches. The suspect fired one Winchester 12-gauge round.

Refer to Homicide Book, Exhibit A, pages 268-275, for the Crime Lab firearm exam of the suspect's weapon. Refer to Exhibit B, photographs of the suspect's gun, and position from which it was recovered.

PROPERTY DAMAGE:

The following private property was damaged:

Mailbox at [redacted] This mailbox was located along the north side of Garvey, and was attached to a chain link fence which ran beside the sidewalk at the location. The mailbox was between the deputies' position (approximately Garvey and Willard) and the suspect's position (driveway of motel). The mailbox had one bullet strike on the east side, fired from the deputies' position. Refer to Exhibit E, photograph of the damage.

Tree, located in a planter box on the sidewalk, in front of the motel. The tree was located on the east side of the motel driveway, approximately 28 feet east of the driveway. The tree trunk had multiple bullet/pellet strikes on the east side of the trunk (indicating rounds fired by deputy personnel). Refer to Exhibit E, photograph of the damage.

Tree, located in the same planter box as the above tree. The tree was approximately 8 feet farther west than the above tree. The tree had multiple bullet/pellet strikes on the east side of the trunk (indicating rounds fired by deputy personnel). Refer to Exhibit E, photograph of the damage.

Concrete pillar, part of a sign for the motel. The pillar was located on a grass parkway next to the sidewalk, approximately 10 feet east of the motel driveway. The pillar had multiple bullet/pellet strikes on the east side of the pillar (indicating rounds fired by deputy personnel). Refer to Exhibit E, photograph of the damage.

Ford Taurus, blue, CA Lic. [redacted] located in a carport parking space at the front, west side of the motel. The car was parked in the first parking space at the south end of the motel, next to the motel office. The car had one bullet strike in the driver side rear of the trunk (indicating a round fired by deputy personnel). Refer to Exhibit E, photograph of the damage.

Electrical box, green, on a grass parkway next to the side walk, on the west side of the motel driveway. The box was approximately 40 feet west of the motel driveway. The box had one bullet strike in the upper left portion of the east side (indicating a round fired by deputy personnel). Refer to Exhibit E, photograph of the damage.

For additional information regarding all of the above property damage, refer to the Homicide Book, Exhibit A, pages 261-271. No county property was damaged in the incident.

Civil Litigation Unit Lieutenant Ralph Webb responded to the scene.

> **IAB Note: The motel office and room 109 were damaged by the suspect prior to any contact or involvement with deputy personnel. The damaged motel property caused by the suspect was not reviewed in this case, however, is documented in the criminal case. Refer to the homicide book, Exhibit A, for further information regarding the motel damage caused by the suspect.**

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator's Name	Detective Mike Scott, Homicide
Court	Pasadena Court, Hardcore Branch
Charges Filed	664/187 PC (3 counts); 245(d)(1) PC (3 counts); 211 PC (3 counts); 459 PC; 245(a)(2) PC (2 counts)
Court Date	January 14, 2003
Case Number	GA047972

LIGHTING OR WEATHER CONDITIONS:

The incident occurred at approximately 0352 hours. The weather was clear and cool. The incident occurred on a major street which was lit by typical street lights on both sides of the street. The motel parking and office areas were light by exterior lights at the motel.

INVOLVED EMPLOYEES STATEMENTS:

Deputy Miller, Richard

Deputy Miller was working as a uniformed patrol deputy. He was assigned to EM shift as unit 58T1, a one-man car working the Duarte area. Miller is normally assigned to PM shift but was working a trade with another deputy. Miller monitored both his Dispatch frequency and L-tac. He overheard the desk on L-tac in the process of dispatching a "Robbery Now" call in the Rosemead area. As he responded to the call, the call was updated to a "shots fired" situation. Miller arrived at the command post and was assigned as part of the entry team.

Miller placed his vehicle on Garvey Avenue, east of the hotel in the middle of the street. Deputy [redacted] and his vehicle were positioned on Miller's right side. Miller believed there were about five units on scene. Miller exited his vehicle, drew his Beretta, and took a position behind his open driver's door. He saw the suspect, and gave verbal commands to the suspect to get on his knees. The first suspect ([redacted] did not have a gun. Miller saw a second suspect emerge from the same location as the first suspect. The second suspect (Cerda) was a male Hispanic, 20-25, with a medium build and a shaved head. Suspect 2 was wearing a light-colored shirt and light-colored baggy pants. Suspect 2 was armed with a sawed-off shotgun in his right hand, and what Miller believed to be a silver firearm in his left hand. Suspect 2 yelled out a gang name which Miller did not recall.

Suspect 2 flung the guns around, waved his arms and yelled gang names. The suspect did not point the gun at anyone at this time. Suspect 2 retreated behind a wall at the east portion of the driveway. Sergeant Herron and deputies approached Suspect 1, who was prone on the street, by using the sergeant's car as cover. They took the first suspect into custody and removed him, while Miller and others covered them.

Suspect 2 removed his shirt and threw it to the ground. The shotgun was in the suspect's right hand. Miller saw numerous tattoos on the suspect. The suspect yelled that the deputies would have to kill him, but his shotgun was pointed at the ground. Suspect 2 again retreated behind the wall. A minute or two later, he came out again and threw money on the ground, yelling "Here's the money you're looking for." The suspect retreated behind the wall a third time.

The suspect reappeared and had the shotgun in his right hand. The suspect took his left hand and grabbed the barrel of the shotgun, and raised the shotgun toward Miller and the other deputies. The suspect yelled, "You're going to have to kill me." Miller believed his partner's lives and his life were in danger, and he fired his Beretta at the suspect. Miller believed he fired approximately 4-5 rounds at the suspect. He believed he saw fire coming out of the barrel of the suspect's gun.

The suspect crouched down with the shotgun still pointed toward the deputies, then went back behind the same wall. All of the deputies stopped firing. The suspect again came out from behind the wall and the deputies ordered him to drop the gun. The suspect place the shotgun on the ground at the driveway entrance, ten picked it up and went back behind the wall. Miller believed the suspect went to the motel lobby. The suspect came out and went through the same routine again, and returned to the motel lobby.

Finally, SEB arrived and ordered the suspect out, also advising the suspect that paramedics were present to treat him. After several minutes, the suspect came out with his hands up. SEB ordered him to the ground and took him into custody.

Following the shooting, Miller gave his gun to Lt. Sanchez, the day watch commander at Temple Station. Miller said he carries his Beretta (serial #BER[redacted]Z) with 15 rounds in the magazine and one in the chamber. Upon examination of Miller's firearm by Homicide detectives, they found one

live Winchester Luger 9mm round in an envelope, and one magazine containing 4 additional live Winchester Luger 9mm rounds. Miller had fired 11 rounds. Refer to the Homicide Book, Exhibit A, p. 272 for the firearms examination receipt of Miller's gun.

Sergeant Herron, Edward

Sergeant Herron was working as a uniformed patrol sergeant. He was assigned as 50S, EM shift, a one-man car. While on patrol, Herron heard a radio broadcast of a robbery in progress. While responding to the incident, Herron heard deputies set up a containment of the location. Herron advised he would position himself at Garvey and Willard, next to Deputy Olson's patrol car in the westbound lanes on Garvey. Herron arrived and armed himself with a shotgun as he stood behind the open driver door of his Tahoe. Deputy Slate arrived and parked to Herron's left. Deputy [redacted] parked left of Slate, and Deputy Olson left of [redacted] They were all parked westbound on Garvey, across eastbound and westbound lanes, east of the motel.

Herron saw a suspect walk out of the motel driveway onto Garvey with his hands up. The suspect was ordered to walk toward the sergeant's car and stop. The suspect was directed to turn around and lift his shirt. Herron saw U.S. currency bills sticking out of the suspect's rear pockets. The suspect was then ordered to lie on the ground, which he did.

Herron heard yelling from the front of the motel driveway area. He saw another suspect (Suspect Cerda) holding a sawed-off shotgun and yelling, "Fuck you! Come and get me!" Herron described Cerda as a male Hispanic, 5-9/5-10, 160-170 pounds, shaved head with a gang member look.

Herron ordered the suspect to put down the gun. The suspect replied, "Come and get me. Fuck you!" The suspect went back into the motel out of view. Seconds later, the suspect came out of the driveway again, still holding the shotgun. The suspect took off his shirt and threw it on the ground, threw paper money on the ground, and continued to yell. The suspect was given several more orders which he ignored, and went back into the motel area.

After a few minutes, the suspect again walked out and refused orders to drop the gun. Again, the suspect disappeared into the motel. When the suspect came out again, he yelled, raised the shotgun toward him and the deputies, and fired one round at them. Herron fired two rounds at the suspect with his department 12-gauge Ithaca shotgun. He was not certain what type of rounds were in the shotgun. Herron heard other deputies firing and could see shotgun pellets strike the pillar the suspect was standing by. The suspect then retreated back into the motel.

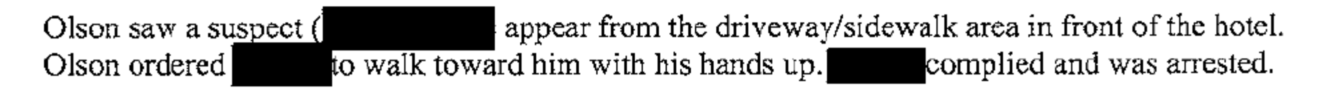
After the shooting, Herron advised deputies to handcuff the first suspect, who was lying in the street. Herron drove his car forward 15-20 feet for cover, and took the first suspect into custody. He moved his vehicle back to its original position.

The deputies on scene received information via the desk that the suspect told his [redacted] he killed the motel clerk. SEB arrived and deployed a long rifle. After awhile, the suspect came out and was taken into custody by SEB.

Herron placed his shotgun back into the sergeant's vehicle and left the scene.

Deputy Olson, Eric

Deputy Olson was working as a uniformed patrol deputy. He was assigned as unit 55T1, EM shift, a one-man car in the South El Monte area. Deputy Olson was on patrol when he heard over the radio that a robbery was occurring at the Niceday Inn in Rosemead. As he responded to the location, he heard over the radio that shots had been fired, not by deputies, at the motel. Upon arrival, he parked his patrol car along the north curb line of Garvey Ave. behind the sergeant's Tahoe. There was a patrol car parked to the left of the sergeant's car. These units were in the westbound lanes of Garvey, east of the hotel, approximately 50-70 yards away from the hotel. Deputy Olson took cover behind the units and drew his Beretta. Within a minute, he retrieved his shotgun and returned to cover behind the units.



Olson saw a suspect ([redacted] appear from the driveway/sidewalk area in front of the hotel. Olson ordered [redacted] to walk toward him with his hands up. [redacted] complied and was arrested.

Another suspect (Sergio Cerda) appeared in the hotel driveway area. The suspect was carrying a sawed-off shotgun in his right hand. Olson though he saw a dark-colored handgun in his left hand. This suspect was a male Hispanic, 18-20, buzzed hair, gangster type, wearing light pants, with tattoos on his stomach and arms. The suspect disappeared back into the motel area. When the suspect reappeared, he was shouting, "Lomas! Fuck you! Fuck you! Come and get me!"

The suspect reappeared, still holding a sawed-off shotgun in his right hand. The suspect started throwing money from his pockets. He again retreated into the motel. The suspect appeared a third time, still with the shotgun. He raised the shotgun and pointed it at Olson and other deputies. Olson thought there were approximately 7-8 deputies around him; Deputy Wilkening, Deputy Budge, Deputy Slate, Sergeant Herron, Deputy [redacted] and Deputy Miller. Olson did not recall seeing the muzzle flash on the suspect's shotgun but believed the suspect was going to shoot them. He believed he fired a round from his shotgun, but wasn't sure due to the other deputies firing. Afterward, Olson said he had 3 rounds in his shotgun and he began shift with 4 rounds.

Temple desk personnel relayed information that they were communicating via phone with the suspect. The desk relayed that the suspect stated he killed the motel clerk. The suspect also told the desk he would surrender if he could see paramedics, and he wanted to speak to a sergeant. Olson saw the suspect reappear two more times with the shotgun. Deputies ordered him to drop the shotgun via their P.A. Olson saw the suspect put the gun down, pick it up, and disappear again.

Eventually, SEB arrived and deployed on the south side of Garvey Ave. Eventually, the suspect walked out to the street with his hands raised and unarmed, where he laid on the ground and was taken into custody by SEB.

Following the incident, Olson put the shotgun back into his patrol car and drove back to the station. He unloaded the shotgun and put it in the station armory. He had used a 12-gauge Ithaca departmental shotgun loaded with 00 buck.

Deputy Slate, Randall

Deputy Slate was working as a uniformed patrol deputy. He was assigned as unit 53, EM shift, a one-man car in the Rosemead. While on patrol, Slate heard a call of an armed robbery in progress at the Niceday Inn on Garvey Ave. Slate arrived within 30 seconds and positioned his car at the corner of Garvey and Willard, near the north curb line of Garvey. Deputies Quire and Cobos were on the south curl line west of him. As Slate exited his car, he heard a shotgun blast come from the Niceday Inn area.

Sergeant Herron arrived and parked behind Slate. Additional units arrived and set up a containment. Deputy Quire advised units that he saw two male Hispanics in front of the motel, one with a shotgun. The first suspect, stood on the motel driveway with his hands above his head. The suspect went to the ground and Slate, Deputy Olson and Sergeant Herron formed and arrest team, with Herron using his vehicle for cover. At this point, another suspect, armed with a sawed-off shotgun walked out toward Garvey. Slate was armed with a shotgun.

Deputies ordered the second suspect to disarm. The suspect waved his gun, and shouted, "Fuck you" to the deputies. The suspect pointed his shotgun at Slate and other deputies. Slate believed he and the other deputies were about to be shot. Slate fired one round from his department 12-gauge Ithaca shotgun at the suspect. Slate chambered another round, saw the suspect still pointing his shotgun at him, and Slate fired another round. The suspect backed up and stumbled toward the motel, and went out of view.

While the suspect was out of sight, they drove the sergeant's car to the first suspect and took him into custody.

A few minutes later, the second suspect re-emerged in the driveway. The suspect was still armed with a shotgun. The suspect yelled, "Fuck you! Fuck you! Kill me!" He waived the shotgun around. Deputies ordered the suspect to drop the gun but he did not comply. The suspect placed the shotgun on the driveway, hesitated, and then picked up the shotgun. He backed up out of view again. The deputies on scene received information via the desk they were on the phone with the suspect.

After a few minutes, the suspect came out again. He was told by deputies to drop his gun. The suspect put the gun down, walked out onto Garvey, and laid on the street. SEB deputies approached the suspect and arrested him.

Slate said he carried 3 Remington 12-gauge rifle slugs and one 00 buck round. His shotgun was set up to fire the buck round first, followed by the rifle slugs. However, during the incident, Slate took out the buck round and chambered another rifle slug due to the distance between the suspect and himself (approximately 50-70 yards). Following the incident, Slate returned his shotgun to his vehicle.

Deputy [redacted]

Deputy [redacted] was working as a uniformed patrol deputy. He was assigned as unit 58, EM shift, a one-man car in the Duarte area. While on patrol, he heard a radio broadcast of a robbery now at the Niceday Inn on Garvey Ave. He responded to command post at Garvey and Walnut Grove. As he responded, he heard a broadcast that shots had been fired, but not by deputies.

After a couple minutes at the command post, [redacted] went to the scene, and took a position on westbound Garvey, south of several patrol cars. All of the cars faced toward the motel. [redacted] armed himself with a shotgun and took a position behind his open passenger front door.

[redacted] related substantially the same as the other deputies regarding the suspect's actions prior to the shooting; the suspect entered and exited the motel several times and yelled at the deputies. He also saw the first suspect exit the motel and lie on the ground.

Before the shooting, [redacted] saw the suspect waive the gun with his right hand. The suspect raised the gun to eye level and fired at him and the other deputies. [redacted] recalled Sergeant Herron and Deputy Olson to his right. the suspect's gun was pointed directly at [redacted] believed the suspect was attempting to kill him and the other deputies so he returned fire. He believed he fired between one and three rounds from his Ithaca 12-gauge shotgun. [redacted] loaded his shotgun with 3 rounds of 00 buck and one rifle slug. The rifle slug was positioned to be fired last. The suspect retreated into the motel. [redacted] went to the rear of his car and reloaded his shotgun with rifle slugs. He then moved to the vehicle next to him and covered the motel with Deputy Miller. They had the best view of the motel from their position, where they remained for about an hour.

The suspect again came in and out of the motel several times. He yelled, "Kill me!" The suspect waived the gun around and once threw paper money on the ground. One time, he put the shotgun on the ground, stepped away, then picked it up. At no time did the suspect comply with orders the deputies gave him. At some point, SEB arrived. [redacted] could hear information via the radio tat the suspect was on the phone with desk personnel. Eventually, the suspect surrendered to SEB. [redacted] unloaded 4 rifle slugs from his shotgun and locked the shotgun in his vehicle.

[redacted] patrol vehicle had a video camera which was activated, and filmed the incident. Refer to Exhibit F, a copy of an edited version of the incident, which depicts the suspect firing his shotgun.

Deputy Wilkening, Mark

Deputy Wilkening was working as a uniformed patrol deputy. He was assigned as unit 57, EM shift, a two-man car in the Monrovia county area. Deputy Wilkening was the driver and his partner was Deputy Nicholas Budge. They were at Temple Station booking a prisoner when they heard over the radio that a robbery was occurring at the Niceday Inn in Rosemead. As they responded to the location, they heard deputies broadcast that shots had been fired and deputies requested units to respond Code 3. Wilkening arrived at the scene and parked behind Sergeant Herron's Tahoe patrol vehicle, approximately 100 yards east of the location.

A suspect came out from the motel driveway onto Garvey. Wilkening described him as a male Hispanic in his early 20's, wearing a dark sweatshirt and light pants. The suspect was ordered to put his hands up and asked the deputies, "Can I talk to you?"The suspect was in front of the radio cars parked in the westbound lanes of Garvey. The suspect laid in the street at the deputies direction.

A second suspect exited the driveway with a sawed-off shotgun in his right hand. The suspect was a male Hispanic, 5-8, in his early 20's with a shaved head, black baggy pants, and looked like a gangster type. Wilkening had armed himself with his .45 caliber H & K duty weapon when the first suspect came out. The second suspect yelled, "Lomas South San Gabriel" and yelled several "fuck you's" at the deputies. The suspect raised his gun at the deputies south of Wilkening. Wilkening though he saw a muzzle flash from the suspect's gun. He feared for the deputies' lives and he fired one round from his pistol. He reassessed the situation as the suspect retreated into the motel. Deputy [redacted] broadcast a 998, and Wilkening requested SEB to respond. Wilkening heard other deputies fire. The first suspect was arrested by using the sergeant's car as cover.

Wilkening saw the suspect take money and throw it on the driveway while yelling at deputies. The suspect went in and out of view several times. Wilkening lowered his weapon when he did not have a visual on the suspect. The suspect was ordered to put his weapon down through out the ordeal. The suspect would put his weapon down and then pick it up. Eventually, the suspect was taken into custody by SEB.

After Wilkening fired his one round, he changed magazines so he would have a full magazine. Wilkening carried his gun with12 rounds in the magazine and one in the chamber. He also had another 12-round magazine, and a 10-round magazine. When detectives inspected Wilkening's .45 caliber H& K (serial #[redacted]), they found it loaded with 1 live .45 Winchester round in the chamber and 12 live rounds in the magazine. They also found one magazine with 11 live .45 caliber rounds. Wilkening fired one shot. Refer to the Homicide Book, Exhibit A, p. 273 for the firearms examination receipt of Wilkening's gun.

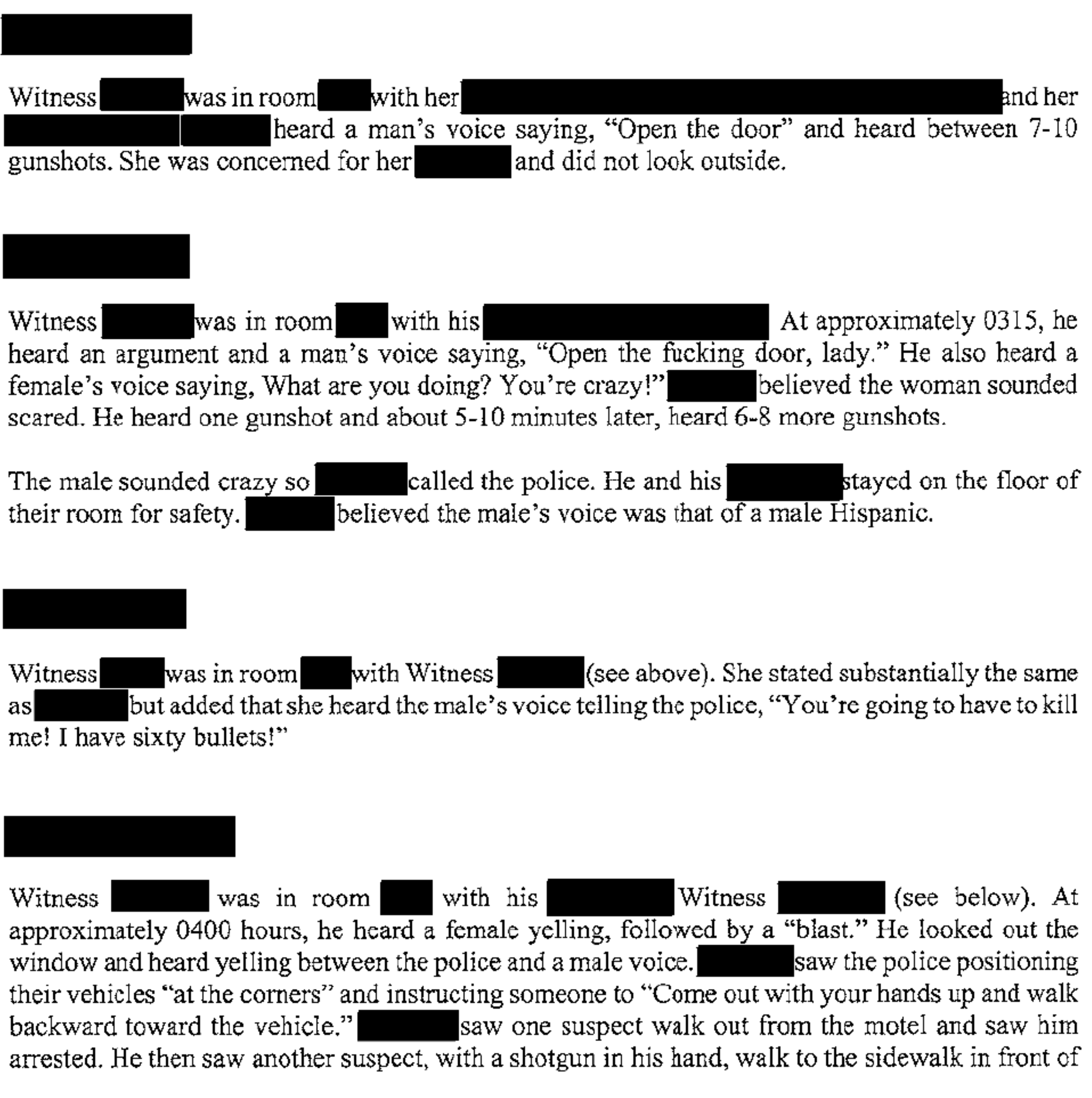
Deputy Budge, Nicholas

Deputy Budge related substantially the same as his partner and [redacted] Deputy Wilkening. Budge was armed with a department 12-gauge Ithaca shotgun. The shotgun was loaded with 4 rounds of 00

buck. He carried a shotgun sleeve on the butt of the shotgun that contained 5 rifle slugs. At one point, Budge saw the suspect raise his shotgun to his waist, point and fire toward deputies. Budge did not know all the deputies' names because he is new to the station. Budge felt the suspect was shooting at the other deputies to kill them, so he fired two rounds at the suspect from his shotgun.

After the shooting, Budge unloaded his shotgun (#58) and put it into his vehicle (1711).

WITNESSES STATEMENTS:



[redacted]

Witness [redacted] was in room [redacted] with her [redacted] and her [redacted] heard a man's voice saying, "Open the door" and heard between 7-10 gunshots. She was concerned for her [redacted] and did not look outside.

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] At approximately 0315, he heard an argument and a man's voice saying, "Open the fucking door, lady." He also heard a female's voice saying, What are you doing? You're crazy!" [redacted] believed the woman sounded scared. He heard one gunshot and about 5-10 minutes later, heard 6-8 more gunshots.

The male sounded crazy so [redacted] called the police. He and his [redacted] stayed on the floor of their room for safety. [redacted] believed the male's voice was that of a male Hispanic.

[redacted]

Witness [redacted] was in room [redacted] with Witness [redacted] (see above). She stated substantially the same as [redacted] but added that she heard the male's voice telling the police, "You're going to have to kill me! I have sixty bullets!"

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] Witness [redacted] (see below). At approximately 0400 hours, he heard a female yelling, followed by a "blast." He looked out the window and heard yelling between the police and a male voice. [redacted] saw the police positioning their vehicles "at the corners" and instructing someone to "Come out with your hands up and walk backward toward the vehicle." [redacted] saw one suspect walk out from the motel and saw him arrested. He then saw another suspect, with a shotgun in his hand, walk to the sidewalk in front of

the motel, turn around, and run back toward the building. The armed suspect yelled at the police, stating "Fuck you! I'm not going to go! You're going to have to come and get me, kill me!"

The police repeatedly instructed the man to put the weapon down and turn himself in. [redacted] could see what was taking place in the street, but not when the suspect ran back into the motel. [redacted] described the armed suspect as young, bald and wearing baggy, cholo-type clothing. He heard approximately 6-7 gunshots and heard the suspect asking to speak to a cop. [redacted] heard the police tell the suspect there were paramedics waiting to treat him. [redacted] saw SWAT paramedics treat the suspect after they took him into custody.

[redacted]

Witness [redacted] was in room [redacted] with Witness [redacted] (see above). She stated substantially the same as [redacted] described the suspect as a male Hispanic, approximately 25 years old and heard the suspect's name was "Sergio." She added that the officers handled the situation very well and attended to the needs of the suspect.

[redacted]

Witness [redacted] was in room [redacted] with her [redacted] Witness [redacted] (see below). [redacted] was asleep at the time of the incident and did not see anything. She heard 3-4 gunshots and heard a male's voice saying "Fuck you." She did not look outside and went back to sleep.

[redacted]

Witness [redacted] was in room [redacted] with Witness [redacted] (see above). Witness [redacted] stated substantially the same as Witness [redacted]

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] Witness [redacted] (see below). He heard a man and woman yelling outside of the room. He heard the woman yelling, "Sergio, Sergio." He believed the man's voice was that of a male Hispanic. [redacted] then heard one gunshot. Following the gunshot, [redacted] and his [redacted] moved to the rear of their room for safety. He heard police sirens and 4-5 more gunshots. He heard the police give the suspect instructions to put his hands up and walk toward the front of the building. [redacted] looked out his window but was unable to see anything. He heard the suspect state, "Come and get me. I'm not going to go alive." [redacted] believed the suspect had been shot and then yelled, "I'm still alive, come and get me. I got fifteen shots." [redacted] also thought the suspect yelled that he had a grenade and asked to speak to a cop.

[redacted]

Witness [redacted] was in room [redacted] with Witness [redacted] (see above). She stated substantially the same as [redacted]

[redacted]

Witness [redacted] was in room [redacted] a Chinese national, did not speak English and had his interview translated by Mr. [redacted] a friend of [redacted] heard one gunshot and people talking loudly. He does not understand English, but felt the male voice sounded angry. He then heard the sound of a door smashing and what sounded like glass breaking.

[redacted] heard what sounded like firecrackers, but what he thought were 4-5 gunshots. He looked out his window but was unable to see anything. He heard police sirens, but did not offer any other information.

[redacted]

Witness [redacted] was the occupant in room [redacted] was asleep and did not see or hear anything that occurred during the night.

[redacted]

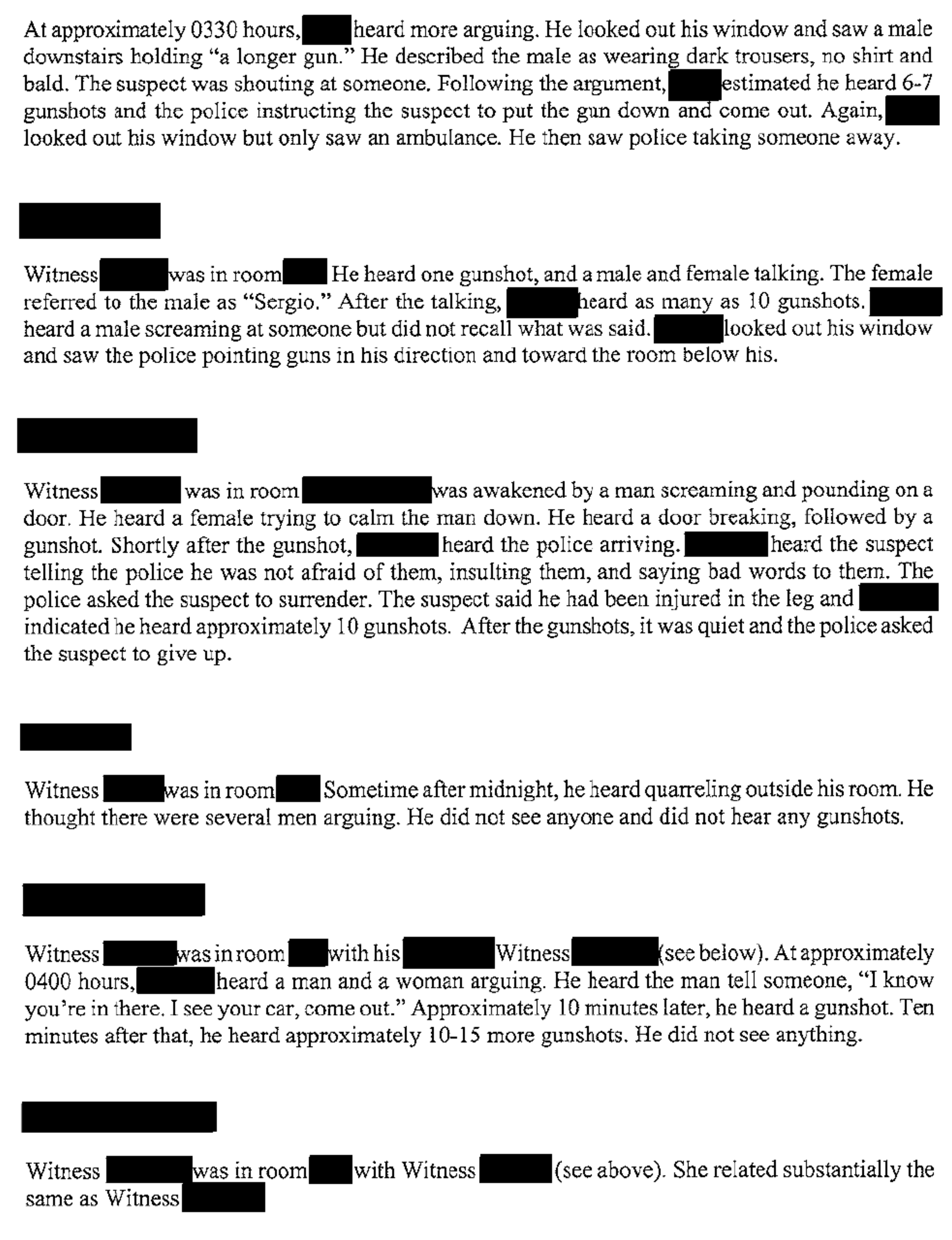
Witness [redacted] was in room [redacted] with his [redacted] Witness [redacted] (see below). [redacted] was awakened by voices outside his room. He heard a male's voice yelling, "Mike, open the door. Mike, come out." He heard noises that sounded like gunfire, but was unsure how many shots were fired. He looked out his window but did not see anything other than police cars outside.

[redacted]

Witness [redacted] was in room [redacted] with Witness [redacted] (see above). She was awakened by a man screaming outside of her room, but did not hear gunshots or see anything.

[redacted]

Witness [redacted] was an occupant in room [redacted] He was awakened by a female's voice screaming outside the room on the first floor. He thought there was more than one person involved in the argument. He heard a female's voice telling a male to "Put the gun down." He also heard two men arguing. He heard the sound of a door breaking, looked outside, but saw nothing.



At approximately 0330 hours, [redacted] heard more arguing. He looked out his window and saw a male downstairs holding "a longer gun." He described the male as wearing dark trousers, no shirt and bald. The suspect was shouting at someone. Following the argument, [redacted] estimated he heard 6-7 gunshots and the police instructing the suspect to put the gun down and come out. Again, [redacted] looked out his window but only saw an ambulance. He then saw police taking someone away.

[redacted]

Witness [redacted] was in room [redacted] He heard one gunshot, and a male and female talking. The female referred to the male as "Sergio." After the talking, [redacted] heard as many as 10 gunshots. [redacted] heard a male screaming at someone but did not recall what was said. [redacted] looked out his window and saw the police pointing guns in his direction and toward the room below his.

[redacted]

Witness [redacted] was in room [redacted] was awakened by a man screaming and pounding on a door. He heard a female trying to calm the man down. He heard a door breaking, followed by a gunshot. Shortly after the gunshot, [redacted] heard the police arriving. [redacted] heard the suspect telling the police he was not afraid of them, insulting them, and saying bad words to them. The police asked the suspect to surrender. The suspect said he had been injured in the leg and [redacted] indicated he heard approximately 10 gunshots. After the gunshots, it was quiet and the police asked the suspect to give up.

[redacted]

Witness [redacted] was in room [redacted] Sometime after midnight, he heard quarreling outside his room. He thought there were several men arguing. He did not see anyone and did not hear any gunshots.

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] Witness [redacted] (see below). At approximately 0400 hours, [redacted] heard a man and a woman arguing. He heard the man tell someone, "I know you're in there. I see your car, come out." Approximately 10 minutes later, he heard a gunshot. Ten minutes after that, he heard approximately 10-15 more gunshots. He did not see anything.

[redacted]

Witness [redacted] was in room [redacted] with Witness [redacted] (see above). She related substantially the same as Witness [redacted]

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] Witness [redacted] (see below). Before entering his room around 0340 hours, he heard a woman screaming, "Open the door!" As he was going to sleep, he heard a gunshot. Following the gunshot, [redacted] herd a woman screaming and police sirens. He and his [redacted] stayed in their room and he did not see or hear anything else.

[redacted]

Witness [redacted] was in room [redacted] with Witness [redacted] (see above). [redacted] related substantially the same as [redacted]

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] Witness [redacted] (see below). [redacted] said a motel [redacted] (Victim [redacted]) knocked on his door at approximately 0300 hours, and asked to use the phone. He heard gunshots and called the police, but was told the police were already at the motel. He heard a lot of commotion but could not see anything that happened at the front of the motel.

[redacted]

Witness [redacted] was in room [redacted] with Witness [redacted] (see above). [redacted] heard gunshots outside the room and immediately called the police. She was told the police were already at the location, although she could not see anyone. She heard approximately 3-4 gunshots and a male's voice state, "I need to speak to a cop." She recalled a [redacted] (Victim [redacted]) knock on the door and ask to use the phone. [redacted] told her there was a man at the motel office with a gun, demanding money. [redacted] heard the police instructing someone to "Put your hands up and walk out."

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] Witness [redacted] (see below). [redacted] did not see or hear anything.

[redacted]

Witness [redacted] was in room [redacted] with Witness [redacted] (see above). [redacted] did not see or hear anything.

[redacted]

Witness [redacted] was in room [redacted] with her [redacted] Witness [redacted] (see below). [redacted] woke up to a loud booming noise, which she thought was a shotgun. About five minutes later, she heard sirens. Ten to fifteen minutes later, she heard a male voice yell, "I don't care. Shoot me! Motherfuckers, I don't give a fuck! Shoot me, shoot me! I don't give a fuck" She said the male yelled for about 10 minutes. Shortly after hearing the obscenities, [redacted] heard gunshots. She said the gunshots were different types. She heard the male yelling around the motel vicinity and she told her [redacted] that she wanted to leave. [redacted] did not look out the window.

[redacted] and her [redacted] got into their car and drove to the motel office so [redacted] could return the motel key. As [redacted] sat in the car, she saw a [redacted] motel clerk gesturing for her and [redacted] to hurry up and leave. She saw a male Hispanic in his early to mid-20's with a thin mustache using the phone in the motel lobby. She did not see a gun. When [redacted] returned to the car, they left the location and were stopped by deputies. They were eventually taken to Temple Station.

[redacted]

Witness [redacted] was a [redacted] At approximately 0345, she saw a person holding a gun to her [redacted] head and looking through her pockets. [redacted] went back into the office because she was scared. She then went to the kitchen area and hid. While waiting for the police, [redacted] saw a man holding a gun approximately 12 inches long with a brown wood handle. The man was pointing the gun at Mrs. [redacted] They were outside the motel by the laundry room. [redacted] did not see any shootings. She only heard noises. [redacted] remained hidden until the deputies came into the motel.

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] Witness [redacted] see above. At approximately 0400 hours, he heard a loud bang which woke him. He heard a male outside yelling, "Just shoot me. Just shoot me, motherfucker." A minute later, [redacted] heard a gunshot, which sounded like a shotgun. Seconds later, he heard 6-7 gunshots. [redacted] and his [redacted] looked out the window but saw nothing. [redacted] and [redacted] decided to leave the motel.

They got into their car and drove to the motel office. [redacted] exited the vehicle to return the key. He saw an Oriental woman outside of the lobby. She was motioning for him to get back into his car and leave. [redacted] saw a male Hispanic, with a thin build and shaved heard, near the payphone outside the motel lobby. [redacted] got into the car and left. Sheriff deputies stopped their car and took them to Temple Station.

[redacted]

Witness [redacted] was in room [redacted] At approximately 0200 hours, he was talking "[redacted]" who was staying in room [redacted] (Witness [redacted]. He and [redacted] talked for about 30-40 minutes and [redacted] left. Two or three minutes later, [redacted] received a phone call from a motel clerk. She told him to check out because his [redacted] friends pointed a gun to her head and she did not want any trouble. [redacted] told her he did not know what she was talking about and said he would leave in the morning. [redacted] went to sleep. Sometime later, [redacted] heard noises. He then heard a thump which sounded like a M80 firecracker, and a car alarm go off. [redacted] thought he heard [redacted] voice say, "Stop Sergio. Don't do it." [redacted] looked out the peephole of his door but could not see anything.

[redacted] heard banging, a pop, and moments after that, police sirens. Several minutes after hearing the sirens, [redacted] heard a series of four to seven pops. Two to three hours later, deputies knocked on his room and asked him to come outside. He was handcuffed, placed in a patrol car and taken to a command post. Later, he was taken to Temple Station.

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] Witness [redacted] (see below). He saw a male Hispanic attempting to get into a door on the bottom floor of the motel. He said the man was 20-26 years old, 5-8/165, with a shaved head. The suspect tried to gain entry to room [redacted] for about 15 minutes. The man then pulled out a short pistol shotgun. The suspect made threats while he banged on the motel lobby door and pointed the shotgun at the window. [redacted] saw the suspect shoot the glass lobby door with the shotgun, which shattered the glass. The suspect then entered the lobby. [redacted] saw him behind the counter in the lobby. He saw a male run out of the lobby. [redacted] attempted to call 911 for 10 minutes but the phone just rang. [redacted] saw the door to room [redacted] was off the hinges but did not know how it occurred.

[redacted] heard sirens. He saw the suspect standing in the driveway entrance with the shotgun, stating, "I want to talk to a cop. I still have 15 rounds left." The suspect was paced back and forth. The suspect moved the shotgun back and forth in his hands. [redacted] next heard many gunshots. He stopped looking out his door because it was unsafe.

[redacted]

Witness [redacted] was in room [redacted] with her [redacted] Witness [redacted] (see above). She did not look out the window. Her [redacted] was looking out the window and telling her about what he saw. She heard a man and woman scream at each other. She heard a gunshot. Later she heard sirens, then a male voice say he wanted to speak with a cop and that he had the money.

[redacted]

Witness [redacted] was in room [redacted] He was asleep and did not see or hear anything.

[redacted]

Witness [redacted] was in room [redacted] He heard one gunshot and 25 minutes later, heard three more gunshots. He was not sure what time it was when he heard the shots. [redacted] feared for his safety and went into the bathroom to call 911. He never looked out his window. He heard sirens a short time later, and heard screaming before and after the gunshots.

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] (see below). He woke up at approximately 0530 hours. It was still dark outside but he saw police in the parking lot wearing helmets. He heard the police asking a girl to exit her room with her hands up. [redacted] identified room [redacted] as the room the girl exited. He then went back to sleep. He did not hear anything during the night.

[redacted]

Witness [redacted] was in room [redacted] with her [redacted] Witness [redacted] (see above). Theys did not see or hear anything.

[redacted]

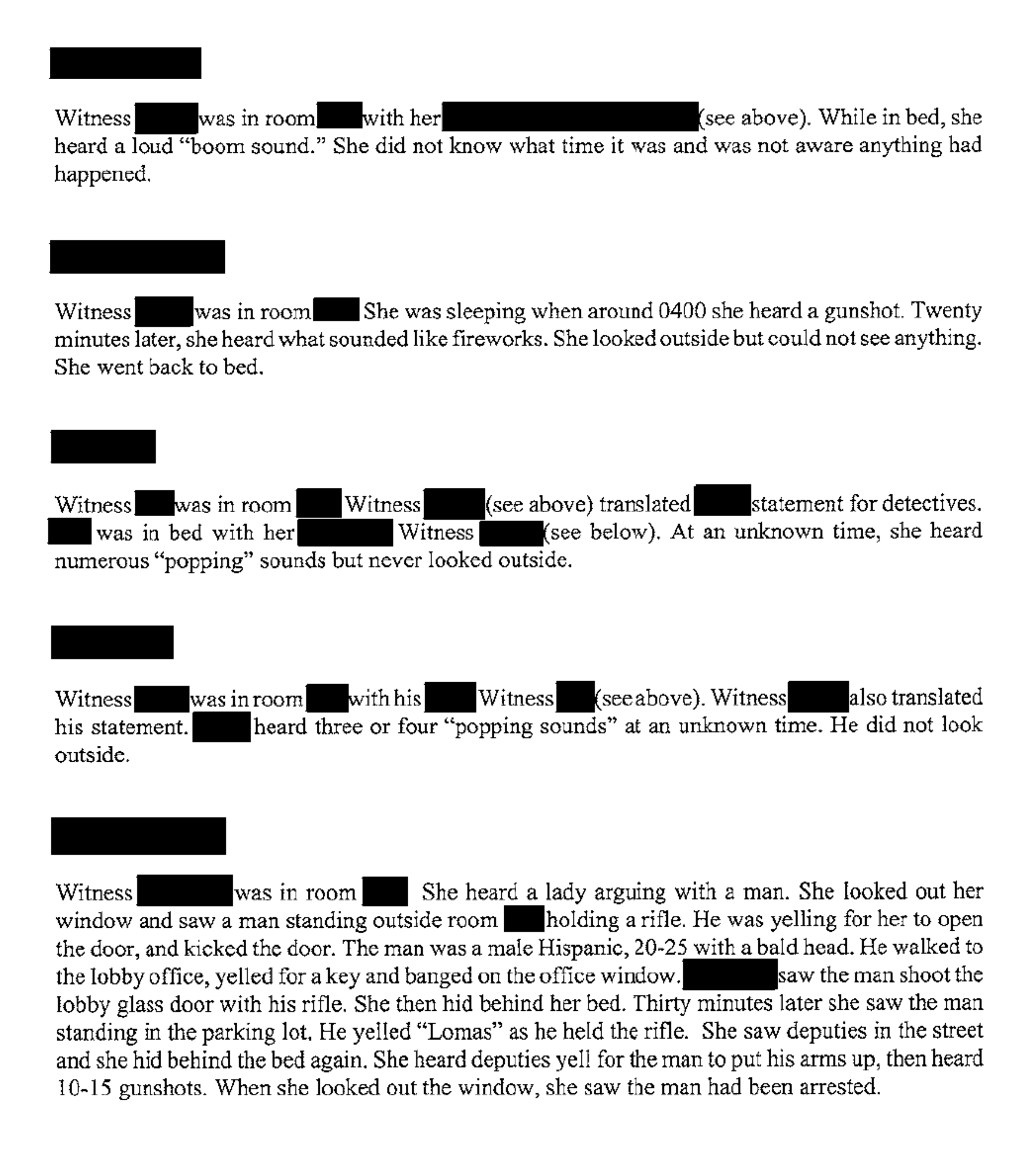
Witness [redacted] was in room [redacted] with her [redacted] (see below). Witness [redacted] did not see or hear anything.

[redacted]

Witness [redacted] was in room [redacted] with her [redacted] (see above). Witness [redacted] did not see or hear anything.

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] (see below). Around 0200 or 0300, he heard a loud noise, like someone taking out the trash. He did not see or hear anything else.



[redacted]

Witness [redacted] was in room [redacted] with her [redacted] (see above). While in bed, she heard a loud "boom sound." She did not know what time it was and was not aware anything had happened.

[redacted]

Witness [redacted] was in room [redacted] She was sleeping when around 0400 she heard a gunshot. Twenty minutes later, she heard what sounded like fireworks. She looked outside but could not see anything. She went back to bed.

[redacted]

Witness [redacted] was in room [redacted] Witness [redacted] (see above) translated [redacted] statement for detectives. [redacted] was in bed with her [redacted] Witness [redacted] (see below). At an unknown time, she heard numerous "popping" sounds but never looked outside.

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] Witness [redacted] (see above). Witness [redacted] also translated his statement. [redacted] heard three or four "popping sounds" at an unknown time. He did not look outside.

[redacted]

Witness [redacted] was in room [redacted] She heard a lady arguing with a man. She looked out her window and saw a man standing outside room [redacted] holding a rifle. He was yelling for her to open the door, and kicked the door. The man was a male Hispanic, 20-25 with a bald head. He walked to the lobby office, yelled for a key and banged on the office window. [redacted] saw the man shoot the lobby glass door with his rifle. She then hid behind her bed. Thirty minutes later she saw the man standing in the parking lot. He yelled "Lomas" as he held the rifle. She saw deputies in the street and she hid behind the bed again. She heard deputies yell for the man to put his arms up, then heard 10-15 gunshots. When she looked out the window, she saw the man had been arrested.

[redacted]

Witness [redacted] was in room [redacted] with witnesses [redacted] and [redacted] (see below). Around 0300, she heard a lot of yelling and a gunshot. She saw a male Hispanic waving a gun in the parking lot. She called the motel desk and was told someone had tried to rob the desk, and to stay in her room. [redacted] heard the man yelling about how many rounds he had left in his gun. Later, she heard 5-6 gunshots from the street area in front of the motel. She heard the police tell the man "to drop your gun." She saw police in the parking lot.

[redacted]

Witness [redacted] was in room [redacted] with witnesses [redacted] and [redacted] related substantially the same as [redacted] and [redacted]

[redacted]

Witness [redacted] was in room [redacted] with witnesses [redacted] and [redacted] related substantially the same as [redacted] and [redacted]

[redacted]

Witness [redacted] was in room [redacted] with her [redacted] witness [redacted] She heard a man screaming, and a woman screaming "Sergio." A short while later, she heard a gunshot. She looked outside of her room and saw room [redacted] with the door open. She saw a man walking up and down the motel north stairs. She left the window and heard 3 or more gunshots. She heard a man screaming about talking to the cops. The police yelled for the man to step to the street and lay face down. When she looked out the window, she saw the SWAT team in the parking lot.

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] witness [redacted] (see above). He related substantially the same as witness [redacted] although he did not look out the window until the SWAT team was in the motel's parking lot.

[redacted]

Witness [redacted] was in room [redacted] with witness [redacted] She related substantially the same as [redacted]

[redacted]

[redacted] stayed in room #[redacted] a [redacted] room, with [redacted] He said that at approximately one to two o'clock (A.M.), he heard a male and female arguing. He did not give it much attention and stayed in bed. A short time later, he heard a gunshot and saw a bald male wearing a white T-shirt and blue pants exit a downstairs motel room.

Approximately 10 to 15 minutes later, he heard another five to six gunshots. He, again, looked out his window and saw the bald male pacing back and forth between the front of the motel office and a motel guest room. He held a large shiny, possibly silver, gun in his left hand alongside his left leg. The male then walked to the archway entrance to the motel parking lot and smoked a cigarette. The male kept yelling something in English which [redacted] did not understand. The male then appeared to raise his hands in gesture to someone on the street and then returned to the entrance of the motel office.

[redacted] went back to sleep and saw nothing further. He did not witness the male being arrested by the Sheriff's deputies.

[redacted]

[redacted] stayed in room #[redacted] a [redacted] room, with his [redacted] He said that at approximately four in the morning he was awoken by a gunshot. He looked outside and saw nothing. He later heard several more gunshots, inaudible loud talking and yelling, but he did not look out.

[redacted]

[redacted] stayed in room #[redacted] a [redacted] room, with her [redacted] She said that at approximately 4:00 a.m., she heard several gunshots, but did not look outside her room to investigate.

[redacted]

[redacted] resides in room #[redacted] a [redacted] room, with his [redacted] They migrated to the United States 10 months ago and speak no English. [redacted] from room #[redacted] translated in Cantonese.

[redacted] stated that about 3 or 4 o'clock in the morning, he heard a loud argument, kicking on a door, then a what sounded like a gunshot. He later heard someone speaking loudly. He was drowsy and when back to sleep with his [redacted]

[redacted]

[redacted] resides in room # [redacted] a [redacted] room, with her [redacted] They migrated to the United States 10 months ago and speak no English. [redacted] from room # [redacted] translated in Cantonese.

[redacted] stated that about 3 or 4 o'clock in the morning, she heard a loud argument and a loud noise, which she could not identify. She was afraid and stayed in bed.

[redacted]

[redacted] stayed in room # [redacted] a [redacted] room, with his [redacted] said he and his [redacted] went to a wedding on Saturday night and returned to their motel room at about one to one-thirty in the morning. They went to bed and heard or saw nothing, until about seven o'clock when a deputy knocked on the door and told them they could not leave until they were interviewed.

[redacted]

[redacted] stayed in room # [redacted] a [redacted] room, with her [redacted] said she and her [redacted] went to a wedding on Saturday night and returned to their motel room at about one to one-thirty in the morning. They went to bed and heard or saw nothing, until about seven o'clock when a deputy knocked on the door and told them they could not leave until they were interviewed.

[redacted]

[redacted] stayed in room # [redacted] an [redacted] upstairs. [redacted] said she was awoken by four to five gunshots early in the morning. She was scared and did not look out her window. She heard no arguments and/or loud noises.

[redacted]

[redacted] stayed in room # [redacted] an eastside upstairs room. [redacted] stayed in the room with his [redacted] FA/45, and [redacted] said that at approximately four o'clock in the morning, he heard a male and female arguing loudly. The male appeared to be banging on the door. [redacted] then heard one gunshot and the male screaming and yelling. Fifteen minutes later, he heard three or four additional gunshots. He did not look out the window. His [redacted] and [redacted] hid in the bathroom throughout the incident. They were not interviewed.

[redacted]

Witness [redacted] was in room [redacted] with witness [redacted] (above). She related substantially the same as [redacted]

[redacted]

This witness, also in room [redacted] was not interviewed due to his age (6 years old).

[redacted]

[redacted] stayed in room # [redacted] an [redacted] upstairs room. [redacted] stayed in the room with his elderly [redacted] MA/65 and [redacted] MA/ 20. [redacted] said that at approximately four o'clock in the morning, he heard a male and female yelling. He later heard one gunshot. Ten to fifteen minutes later, he heard four to five gunshots, but did not look to see what was occurring.

[redacted]

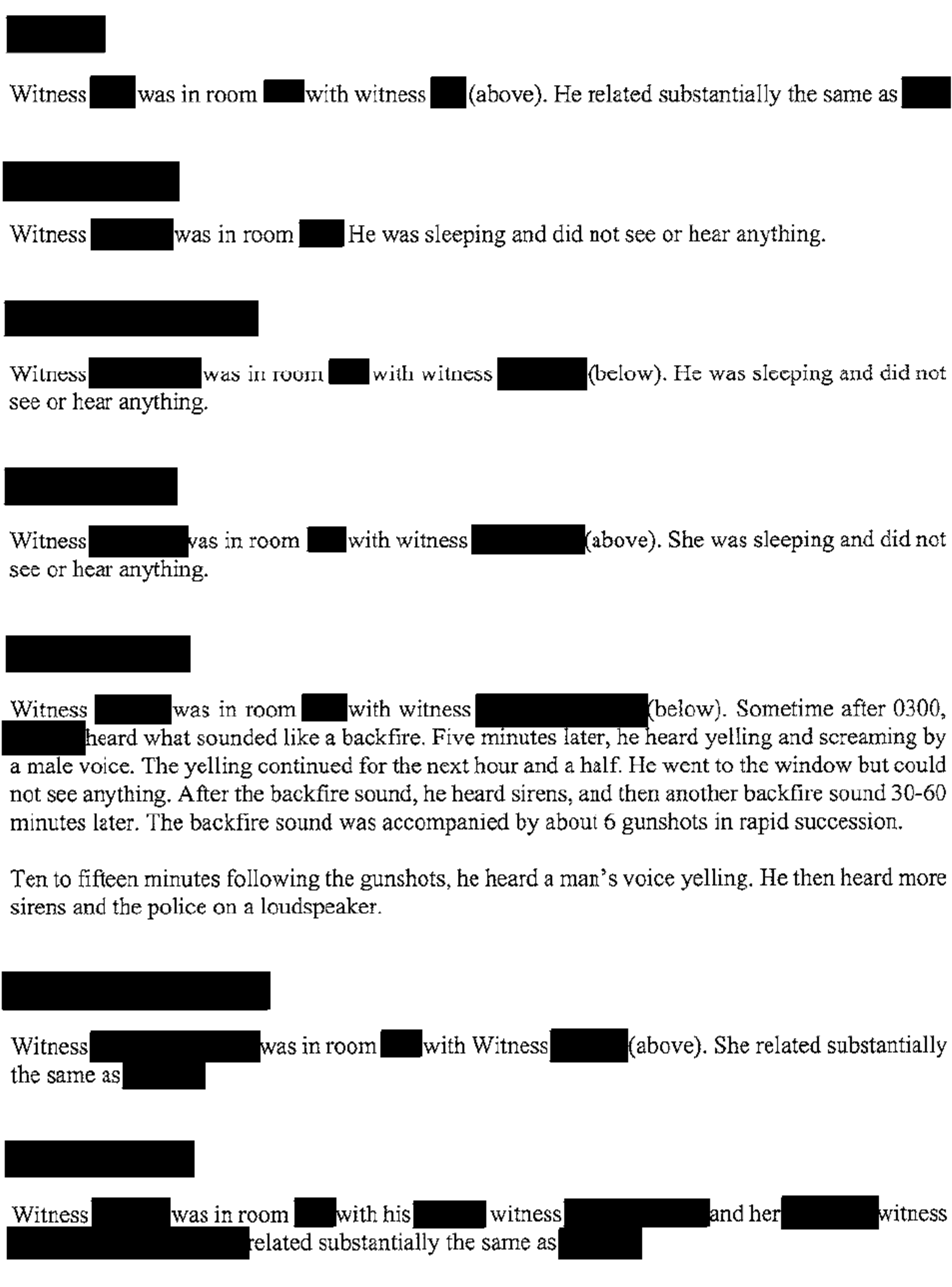
[redacted] stayed in room # [redacted] an [redacted] upstairs room, with his [redacted] and [redacted] said that at approximately four o'clock in the morning, he heard a male and female arguing, but he could not understand what they were saying. Minutes later, he heard three or four gunshots. He did not look outside.

[redacted]

[redacted] stayed in room # [redacted] an [redacted] upstairs room, with his [redacted] and [redacted] said that at approximately four o'clock in the morning, he heard one gunshot then a male and female arguing. Minutes later, he heard the female yelling then three to four additional gunshots. He did not look outside.

[redacted]

Witness [redacted] was in room [redacted] with witness [redacted] (below). He heard two loud noises like explosions around 2300, and then went back to sleep.



[redacted]

Witness [redacted] was in room [redacted] with witness [redacted] (above). He related substantially the same as [redacted]

[redacted]

Witness [redacted] was in room [redacted] He was sleeping and did not see or hear anything.

[redacted]

Witness [redacted] was in room [redacted] with witness [redacted] (below). He was sleeping and did not see or hear anything.

[redacted]

Witness [redacted] vas in room [redacted] with witness [redacted] (above). She was sleeping and did not see or hear anything.

[redacted]

Witness [redacted] was in room [redacted] with witness [redacted] (below). Sometime after 0300, [redacted] heard what sounded like a backfire. Five minutes later, he heard yelling and screaming by a male voice. The yelling continued for the next hour and a half. He went to the window but could not see anything. After the backfire sound, he heard sirens, and then another backfire sound 30-60 minutes later. The backfire sound was accompanied by about 6 gunshots in rapid succession.

Ten to fifteen minutes following the gunshots, he heard a man's voice yelling. He then heard more sirens and the police on a loudspeaker.

[redacted]

Witness [redacted] was in room [redacted] with Witness [redacted] (above). She related substantially the same as [redacted]

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] witness [redacted] and her [redacted] witness [redacted] elated substantially the same as [redacted]

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] witness [redacted] and her [redacted] related substantially the same as Robles.

[redacted]

Witness [redacted] was in room [redacted] was awakened by gunfire at approximately 0400 hours. Ten to fifteen minutes later, he heard a man yelling at the police. [redacted] went to his window and saw a lone male standing in the parking lot on the east side of the motel office. [redacted] did not see a gun. The man said he had 50 rounds left and would not be take alive. The man was cursing at the officers.

About an hour later, [redacted] heard the police on the loud speaker telling the man to come out with his hands up. [redacted] went back to the window. He heard police tell the man to walk to the middle of the street and lie down. The man complied with the orders and the police handcuffed him.

[redacted]

Witness [redacted] was in room [redacted] with her [redacted] witness [redacted] Witness [redacted] was awakened at approximately 0340 hours by a male and female voice outside. The female voice said, "Don't go Sergio. Where are you going?"

[redacted] went to her window and saw a male Hispanic walk toward the motel office. She described him as in his twenties, 5-09, medium build, short dark hair, wearing a button-down short-sleeve plaid shirt and baggy jeans. The man demanded to be let inside the office, but then went to room [redacted] where he kicked down the door. The man yelled, "Where's my money?" After awhile, the man left room [redacted] and returned to the motel office. She saw a weapon in his right hand.

The man was refused entry into the office, then shot one round into the office door. He entered the office. She described the weapon as having a shiny, long barrel. The man entered the office, then walked back and forth from the office and room [redacted] He also walked back and forth from the office and the southeast corner fo the carport.

At some point, she heard the police talking to the male. The male threatened the police and also claimed to be a street gang member. Several times the male placed his gun on the ground and picked it back up. The man told the police to shoot or kill him. The fourth time he picked his gun up, he fired one round in the direction of the police. The police returned fire at the suspect. The man turned around, ran and hid behind a gray van before returning to room [redacted] The man returned to the motel office, dressed in a Levis jacket. He walked back and forth from the office to the southeast corner

of the carport several times. It appeared he was talking on the phone in the motel office. The suspect then placed his gun on the ground at the north end of the carport, walked out the center of the road and laid down on the ground. Four or five officers then handcuffed him.

[redacted]

Witness [redacted] was in room [redacted] with her [redacted] witness [redacted] (above). She was awakened by voices around 0340 hours. She heard a pop sound and glass breaking, then ran into the bathroom to call 9-1-1. While in the bathroom, she heard 4 more shots.

When she came out of the bathroom, she saw the suspect exit the motel office. She saw the man holding a gun. He place the gun on the ground at the north end of the carport, walked out the street with his hands raised, and laid in the street. Deputies handcuffed the man and took him away.

[redacted]

Witness [redacted] was in room [redacted] Around 0400 he heard arguing outside. Fifteen minutes later, he heard a "boom" sound like someone kicking open a door. He looked out his window and saw a male in a white t-shirt running toward the motel entrance. Approximately 0425, Song heard 3-5 gunshots coming from the parking lot area, and saw the same man run back into the motel parking lot. He went to the bathroom and called 9-1-1.

At 0450, [redacted] heard the police on a loud speaker stating, "Drop your gun. Go toward the street slowly."

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] witness [redacted] (below). He was awakened around 0400 hours by the sound of a man and woman screaming at each other. Ten or fifteen minutes later, he heard ten gunshots coming from the street. He never looked outside.

[redacted]

Witness [redacted] was in room [redacted] with her [redacted] witness [redacted] (above). She was awakened by a man and woman screaming around 0400. She heard a loud gunshot and breaking glass. Sometime later, she heard more gunshots and a police offer make an announcement over a loud speaker. She did not look out the window.

[redacted]

Witness [redacted] was in room [redacted] with her [redacted] (below). She was about to sleep when she heard someone knocking on the door next to her (room [redacted]. She heard a man yell and bang on the door. She looked out the window and saw a male Hispanic. He called for a woman named [redacted] heard the man arguing with a Chinese lady. The lady demanded the man to leave the property but he ignored her. The man wanted money from the woman in room [redacted] was watching through her window.

[redacted] saw the man pull a gun from his waistband. She said it was a .45 caliber gun with a long barrel. The man appeared angry. [redacted] was told by her [redacted] to stay away from the window but she kept peaking out. She saw the man put the gun against the back of the Chinese lady's head and say, "Give me everything out your fuckin' pocket you fuckin' bitch! I'll fuckin blow your head off!" The lady gave the man the contents of her pockets.

The man "shot up" the motel lobby, then returned to room [redacted] and kicked the door in. He was arguing with a woman in the room and demanding money. [redacted] believed she might be shot and hid in her bathroom with her [redacted] She heard the man yelling in the next room about killing a lady. She called the motel lobby to check on the Chinese lady. The lady told [redacted] she had been robbed.

[redacted] described the man as Hispanic, about 25 with a short haircut, and a white tank top. She said his name was Sergio and his gun was a chrome or silver .45 caliber handgun. Her [redacted] told her the gun was a shotgun.

[redacted] saw the suspect standing in the street yelling, "San Gabriel Valley Lomas. Come and get me motherfuckers. You ain't gonna get me alive." The suspect shot his gun at the police then turned and ran back into the parking lot as the police returned fire. She heard the suspect state the police had shot him. [redacted] believed the suspect shot at the police 3 times. The suspect surrendered to the police 10-15 minutes after the shooting.

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] witness [redacted] (above). [redacted] was in bed when he heard arguing and a loud gunshot. He looked out the window and saw a Hispanic man arguing with a Chinese lady. The argument concerned money a woman in room [redacted] owed him. The man was walking back and forth in the parking lot, and at one point heard the man say, "Fuck the cops." Later, he saw the man holding a gun in his hand and waiving it at the police. The man stood in the motel driveway and pointed it at the police.

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] He heard yelling from room [redacted] He heard a man say he wanted his money. A woman in room [redacted] called the man "Sergio." There was a large bang next door and a woman screamed. [redacted] heard someone run from room [redacted] toward the front of the motel and then back to the room. Sergio yelled that he killed a woman. [redacted] heard a door get kicked in.

Later, [redacted] heard multiple gunshots. A few minutes later, Sergio said, "Shit, I got shot in the leg." Police were talking to Sergio on a bullhorn and giving him directions.

[redacted]

Witness [redacted] was in room [redacted] with her [redacted] witness [redacted] (above). She related substantially the same as [redacted]

[redacted]

Witness [redacted] was in room [redacted] iwth her [redacted] witness [redacted] (below). Around 0400, she heard a man screaming, a loud gunshot, and a woman screaming. She heard the police ordering someone to surrender. The witness never looked outside.

[redacted]

Witness [redacted] only heard noises around 0300-0400 hours.

[redacted]

Witness [redacted] was in room [redacted] with his [redacted] witness [redacted] (below). He heard a loud boom around 0300 hours and saw a male Hispanic walking in the parking lot. He saw the man had a gun and saw him waive the gun around. The weapon was a shotgun.

The man was cursing at the police and the police gave him instructions to surrender.

[redacted]

Witness [redacted] was in room [redacted] with her [redacted] witness [redacted] (above). She related substantially the same as [redacted]

[redacted]

Witness [redacted] was in room [redacted] with [redacted] Her roommate was [redacted] Also in the room at the time of the incident was [redacted] and [redacted] They had all been drinking off and on throughout the day. She was in another room [redacted] with [redacted] late at night when she heard "[redacted]' car drive into the parking lot. She recognized the sound of the car because [redacted] and Sergio (Cerda) had been at the motel earlier in the day. [redacted] returned to her room and saw [redacted] leaving. [redacted] was scared because Sergio was around the motel. [redacted] was passed out in her room.

[redacted] received a phone call from an Oriental lady, the [redacted] who told her that a bald guy from earlier (Sergio) pulled a gun on her. She then heard the lady yell at Sergio and [redacted] looked out her room and saw Sergio with a gun pointed at the lady. [redacted] called 9-1-1 to report the robbery. [redacted] then woke up [redacted] let [redacted] in the locked motel room. Sergio arrived and yelled to open the door. Sergio then started to kick the door. [redacted] got under the bed.

When the door opened, [redacted] heard Sergio tell [redacted] and [redacted] to go into the bathroom. Prior to the door being kicked, [redacted] heard a gunshot. [redacted] heard Sergio say something about blowing the lady's head off. Sergio and [redacted] then left the room. [redacted] said [redacted] and Sergio were friends. [redacted] told Sergio to put the gun down. Sergio told [redacted] to take the money and that cops were all over.

Sergio was in and out of the room approximately 6 times during the incident. One of the times, Sergio shot his gun. Sergio cursed and yelled at the police. [redacted] did not see the shooting with the police, only heard the shots.

[redacted]

Witness [redacted] went to the motel to meet his [redacted] around 2130. [redacted] was in room [redacted] but [redacted] was not there yet. [redacted] was drinking whiskey. [redacted] and [redacted] (N.F.D.) showed up later. When [redacted] returned to the room, she said Sergio (Cerda) had a shotgun. [redacted] knew Sergio was a Lomas gang member and his moniker was "Demo."

Sergio came to the room looking for [redacted] He kicked down the door to the room and had a short shotgun. Sergio told him and [redacted] to get in the restroom. Sergio came and left the room several times. When Sergio left the room, [redacted] heard a shot, a short pause, and possibly three more shots. Sergio returned to the room bleeding from his stomach area. He held money and a shotgun. [redacted] woke up. Sergio ordered [redacted] and [redacted] into the bathroom again. Sergio stuffed money into [redacted] pants pockets, and Sergio and [redacted] left. Sergio again said he shot the China lady.

[redacted] looked out the window and saw police had [redacted] on the ground. [redacted] heard shots but did not see anything. He heard Sergio yelling obscenities at the police. At one point, Sergio came back

to the room with a phone and had [redacted] call 9-1-1 in order to make a deal with the police, but Sergio walked away. Eventually, [redacted] heard officers tell Sergio to put down his weapon and lay down..

[redacted]

Witness [redacted] was in room [redacted] with witness [redacted] They were at the motel to get away from family, "Lomas" gang members, Sergio (Cerda), and her [redacted] was also at the hotel. [redacted] brother, [redacted] was in the room. At approximately 2130 hours, Sergio and [redacted] came to the motel. [redacted] talked to them through the door of room [redacted] They were looking for [redacted] who was not in the room. [redacted] then left the motel and returned around 2330. When she returned, [redacted] and [redacted] were in the room. [redacted] and his friend, [redacted] (N.D.) arrived around 2400. Around 0200, [redacted] went to her trailer park at [redacted] and saw Sergio running through the park area with a sawed-off shotgun. [redacted] said he asked her to hide the gun but she refused. She said police were around looking for Sergio.

A short while later, [redacted] returned to the motel room with [redacted] and [redacted] were inside. Awhile later, Sergio and [redacted] knocked on the door. She heard a female Oriental, the motel clerk, tell Sergio and [redacted] to go away. [redacted] went outside after Sergio and [redacted] left to speak to the clerk. The clerk told her that Sergio had put a gun to her head earlier. [redacted] went back to the room. [redacted] was afraid and left the hotel. [redacted] then saw Sergio at the motel lobby window pointing a gun at the clerk, demanding money. Sergio told her to get back in the room. She went back to the room and heard a shot. When [redacted] went into the room, [redacted] was in the room calling 9-1-1. Sergio came to the room and kicked the door in as [redacted] hid under the bed.

Sergio ordered [redacted] and [redacted] into the bathroom. [redacted] woke up and Sergio told him he had just killed a "China lady" and blew her head off. Sergio apologized and stuffed money into [redacted] pockets. [redacted] and Sergio walked out of the room. [redacted] stayed in the room. She heard police ordering Sergio to put the gun down and put his hands up. Sergio yelled, "This is Lomas! Shoot me! Shoot me!" She heard shooting and saw bullets hitting the motel walls. She heard one big shot, followed by 3-4 shots.

[redacted]

Witness [redacted] came to the motel around 2330 hours. His [redacted] and her friend, [redacted] were in room [redacted] He had been drinking prior to his arrival. [redacted] and [redacted] were in the room when Sergio (Cerda) showed up. [redacted] said Sergio is a Lomas gang member. Sergio came into the room and put a lot of money on the bed, stating "I did it, fool." Sergio showed [redacted] blood on his hands. Sergio had a short rifle. Sergio told [redacted] to take the money, and started putting money into [redacted] pants pockets. They both walked out of the room. [redacted] was drunk.

They walked to the front of the motel and Sergio still had the gun. [redacted] walked out onto Garvey Av. and was arrested. He was put into the backseat of a patrol car and heard rounds go off. A deputy took the money from his pockets. [redacted] did not see Sergio do any shooting. He said he was not involved in the robbery of the lady at the hotel, and never handled a gun.

> ***IAB Note: Prior to [redacted] interview by Homicide detectives, he was released from custody per 849(b)(1) P.C. procedures and no charges were filed on him. Based on information gathered from witnesses, detectives believed [redacted] was not a suspect and not involved in the incident.**

Deputy Cobos, Cynthia

Deputy Cobos was on patrol with her partner and [redacted] Deputy Quire. As they drove by the Niceday Inn Motel (she was working as the bookman), she heard a strange noise. She looked toward the motel and saw a Hispanic male walk toward the building. Deputy Quire made a u-turn and told her he saw a male with a shotgun. She saw a man point a shotgun into the motel office window. She radioed their position and observations while Quire parked the car on the corner of Earl St. at Garvey Av.

She made an emergency broadcast and requested a helicopter, backup and established a containment around the motel. While on containment, she heard a shotgun blast from the motel. She radioed other units, advising them of shots fired, and requested units to respond Code 3.

She could not see the front of the motel from her position but saw the suspect when he stood out in front of the motel taunting the deputies. The suspect as shirtless and holding a shotgun. He was not pointing the gun at deputies. Deputies yelled at the suspect to drop the gun but he suspect walked back into the motel. She was unsure how many times the suspect walked back and forth into and out of the motel.

Cobos and her partner maintained their containment position. she heard the suspect yell "shoot me" to the deputies. She estimated the suspect stood in front of the motel for over an ours. She did not fire.

Deputy Bazyouros, Jason

Deputy Bazyouros responded to the location per a "Robbery Now" broadcast. He took a position at Earl St. and Garvey Av. with Deputies Cobos and Quire. He armed himself with a shotgun and took cover behind a brick planter on the S/E corner of Garvey and Earl. He saw a Hispanic male exit the motel with his hands above his head. Deputies were verbally instructing the person to surrender. Bazyouros kept his attention on the motel because an armed suspect was still in the motel.

Later, he saw another male Hispanic exit the motel carrying a gun. He described him as thin, wearing a button down shirt and jeans, about 28 with a bald head. He thought the gun was a long-barrel handgun. The suspect constantly swung the gun in his hand but did not raise it at the deputies at that time. The deputies gave verbal commands to the suspect to drop the weapon and put his hands in the air. The suspect did not comply and would walk in and out of view. The suspect was defiant and through money on the ground. The suspect taunted the deputies and appeared agitated. He did not cooperate with deputies and raised the shotgun at the deputies.

Bazyouros heard several gunshots and shotgun rounds fired at eh suspect by deputies. The suspect screamed and he saw the suspect get hit by a round. The suspect ran back into the motel and out of view. Bazyouros did not fire because he did not feel threatened, thought the other deputies had a better position of advantage to fire, and was too far away to effectively shoot with a shotgun. Bazyouros did not hear what the suspect shouted at the deputies.

Deputy Escamilla, Ramon

Deputy Escamilla responded to Walnut Grove and Garvey upon hearing a "Robbery Now" broadcast. He stopped westbound traffic from entering the area. When the suspect exited the motel, he repositioned himself by the arrest team because he was told he was in the line of fire. He was armed with his shotgun. After the first suspect surrendered and the second suspect exited the motel, he positioned himself behind his radio car.

The suspect was holding a shotgun and stated he was a "Lomas" gang member. The suspect told the deputies they would have to shoot him and he threatened the deputies. Escamilla put his shotgun down after realizing he could not shoot without shooting through his vehicle. The suspect then pointed his shotgun at the deputies and everyone started shooting at the suspect. Escamilla did not fire because he had set the shotgun down. He saw the rounds strike around the suspect and the suspect ran back into the motel.

Escamilla could see the suspect's movements inside the motel and advised other units via the radio. The suspect refused to surrender and would exit the motel and wave his shotgun around. This continued for another 30 minutes after the suspect had fired and taken fire.

Deputy Quire, Joseph

Deputy Quire was assigned to uniformed patrol in the City of Rosemead as unit #53A/EM's with Deputy Cynthia Cobos.

At approximately 0352 hours, Quire drove past the Niceday Inn Motel, located at 8463 Garvey Avenue. As he drove past the motel he saw a male Hispanic yelling and pointing a sawed off shotgun toward the motel night office window. The male was later identified as Suspect Cerda.

Deputy Quire said he made a u-turn in the middle of the street and had an unobstructed view of the suspect holding the shotgun. Deputy Quire said he parked his patrol car on the southwest corner of Earle Avenue and Garvey Avenue. As he was coordinating responding units to his location he heard a shotgun blast. Deputy Quire advised his responding units of the shotgun blast and of the suspect's description.

Temple Station desk personnel established telephone communication with a witness to the incident inside the motel lobby. Desk personnel were able to make telephone contact with the suspect, who was inside the motel lobby. The suspect told the desk personnel that he had killed his [redacted] The desk the continued to relay information from the witness who said the suspect was accompanied by another male, Hispanic. The desk said both the suspect and other male were now standing near the motel's carport.

Quire saw the second male walk out of the carport area. As the suspect walked, he was looked back and spoke to someone inside the carport. Deputies near the carport took the second male into custody without incident. Because of the patrol units spot lights, Quire could not see where deputies were positioned when they took the second male into custody.

Quire saw the suspect walk out of the carport area and stand near the front driveway. The suspect shouted, approximately 10 to 15 times, "Shoot me, shoot me," to deputies standing near the east side of the motel. The suspect held the sawed off shotgun in his right hand. The suspect paced back and forth between the driveway and the car port and continued to yell at deputies to shoot him. The suspect removed his shirt, threw the t-shirt in Quire's direction, and yelled at him. Quire could not hear what the suspect had yelled. The suspect continued to yell at deputies to shoot him. The other deputies ordered the suspect to drop the gun. The suspect then disappeared into the carport for 5 to 10 minutes. The suspect then walked out and again yelled, "Shoot me, shoot me." On 3 or 4 occasions the suspect pointed the barrel of the gun toward the street and raised it to his side at a 45 degree angle.

The suspect continued to yell for deputies to shoot him. He then raised the gun to his chest level, pointed the barrel and fired one round directly at deputies, who were standing on the east side of the motel. The deputies returned fire, shooting several rounds toward the suspect. The suspect did not move during the shooting. He then turned away and hopped toward the carport and disappeared from view. Deputy Quire did not know if the suspect was injured. Quire did not shoot during the incident.

Temple Station desk had established telephone communication with the suspect who was now in the motel lobby. The suspect told desk personnel he wanted to surrender and needed paramedics. Special Enforcement Bureau deputies were staged near the scene and responded to the motel. The suspect walked out of the carport and toward the side walk, where he met SEB deputies, who took him into custody. Quire last saw the suspect walking toward the ambulance.

Deputy Cabrera, Stephen

Deputy Cabrera was working uniformed patrol in Temple City. He was assigned as 52T1, EM shift, as a one-man unit. He responded code-3 to the Niceday Inn Motel regarding an armed robbery now call. As he responded, he heard additional information over his radio that a gunshot was heard. Deputy Cabrera arrived at the location and parked in front off [redacted] Willard Avenue. Cabrera attempted to stop a vehicle he thought could be involved in the incident. He shined his flashlight at the driver but the vehicle did not stop. Deputy Cabrera directed other deputies to stop the vehicle and send it back to him. Deputy Cabrera made contact with the occupants of the vehicle, who were two male Hispanics with shaved heads. He said the males appeared very nervous. Deputy Cabrera believed the males could be involved because they drove from the direction of the incident and were very nervous. As Cabrera made contact with the males, he heard deputies yelling, numerous times, "drop the gun, drop the gun." He heard a single shot then heard a volley of shots. Cabrera maintained his position until the suspect was taken into custody by SEB. He did not shoot his gun and did not see Deputy Berbiar or Deputy Denver, who were positioned near Deputy Cabrera, shoot their guns.

Deputy Berbiar, Michael

Deputy Berbiar was working uniformed patrol in South El Monte. He was assigned as unit 55, EM shift, a one-man car. He responded, Code-3, to the Niceday Inn Motel regarding robbery in progress call. Upon arrival at the scene, Berbiar positioned himself at Willard Avenue, north of Garvey Avenue. Deputy Berbiar could not see the incident from his position. Deputy Berbiar heard several radio transmissions regarding the suspects actions and movements. He heard several gunshots and then a radio transmission that the suspect was retreating into the motel lobby. The desk had made telephone contact with the suspect, who wanted paramedics and would surrender. Shortly after the suspect walked out of the motel lobby, he surrendered to SEB. Deputy Berbiar did not shoot his gun and he did not see Deputy Cabrera or Deputy Denver, who were positioned near him, shoot their guns.

Deputy Denver, Louis

Deputy Denver was working uniformed patrol in Rosemead. he was assigned as unit 53H, PM shift, a one-man car. Denver was at Temple Station when he heard a radio broadcast of a robbery now at the Niceday Inn Motel. As he was monitored the radio, he heard information that a shot had been fired. Deputy Denver responded to the location and took a position at [redacted] He could not see deputies at the location from his position but was kept informed via the radio. Denver heard deputies broadcast, 2 to 3 times on the radio, the suspect was coming out. He heard the deputies yell, "Drop the gun, drop the gun." Via the radio, Denver heard the suspect was near the driveway holding a gun. He heard "drop the gun, drop the gun" several times, then heard a volley of gunshots. Deputy Denver then heard a radio broadcast that the suspect was in the hotel lobby.

He also heard via the radio that the desk had established telephone communication with the suspect. During the conversation with the desk, Deputy Denver heard over the radio, the suspect said he had shot someone in the motel and wanted to talk to a sergeant. SEB arrived and the suspect surrendered to them. Deputy Denver did not shoot his gun and he did not see Deputy Berbiar or Deputy Cabrera, who were positioned near him, shoot their guns.

Denver escorted the suspect and rode in the ambulance to the hospital. He attempted to get a name and address from the suspect but the suspect refused to talk. The suspect was treated for a gunshot wound to the right hip at LCMC.

Deputy Sivixay, Brandon

Deputy Sivixay said he recovered the shotguns and one expended shotgun shell that were used by deputies in the incident. He said he recovered shotgun #[redacted] from inside vehicle #SD1728, and one green expended shotgun shell casing from the floorboard of the same vehicle. Also from the trunk of the same vehicle he recovered a video tape. Deputy Sivixay then responded to the Duarte Sub-Station and recovered shotgun #MAG [redacted] from the armory. He gave both shotguns, shell casing and video tape to Homicide Detectives.

Deputy De La O, Louie

Deputy De La O said he was directed by Sergeant Brookwell to transport Suspect Ortega from the command post to Temple Station for booking. Deputy De La O said he did not ask the suspect any questions related to the case nor did the suspect make any spontaneous statements.

Sergeant Kunihiro, Allen

Sergeant Kunihiro spoke with Suspect Cerda via the 9-1-1 phone line. Kunihiro assisted with desk operations because the desk personnel were busy.

After deputies had fired shots at an armed suspect at the Niceday Inn Motel, Kunihiro answered a 9-1-1 call. The caller who identified himself as "Sergio," said he was the "shooter" at the motel. Sergio told Kunihiro that he had been drinking and he was from "Lomas." Sergio told Kunihiro that he wanted to kill himself by deputies shooting him. Sergio told him that he had shot and killed an office clerk at the motel and that he had 15 rounds left for his shotgun. Sergio also said he had lots of bullets for his revolver. Sergio told Kunihiro that he sustained two gunshot wounds to his stomach. Sergio said he was ready to shoot it out with deputies because they already shot him. Sergio said he wanted to speak with his [redacted] or Sergeant Velez. Attempts to speak with both failed, [redacted] left his home and Sergeant Velez could not be contacted on the Field

Sergeants cell phone. Sergio said he needed medical attention and agreed to step out of the office and surrender. Approximately five minutes after Sergio put the phone down, Kunihiro heard via the radio that the suspect was in custody.

SUSPECT STATEMENTS:

Cerda, Sergio

The suspect invoked his Miranda rights and refused to give a statement.

MISCELLANEOUS SECTION:

None



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY • Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

June 26, 2002

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Dear Captain Merriman:

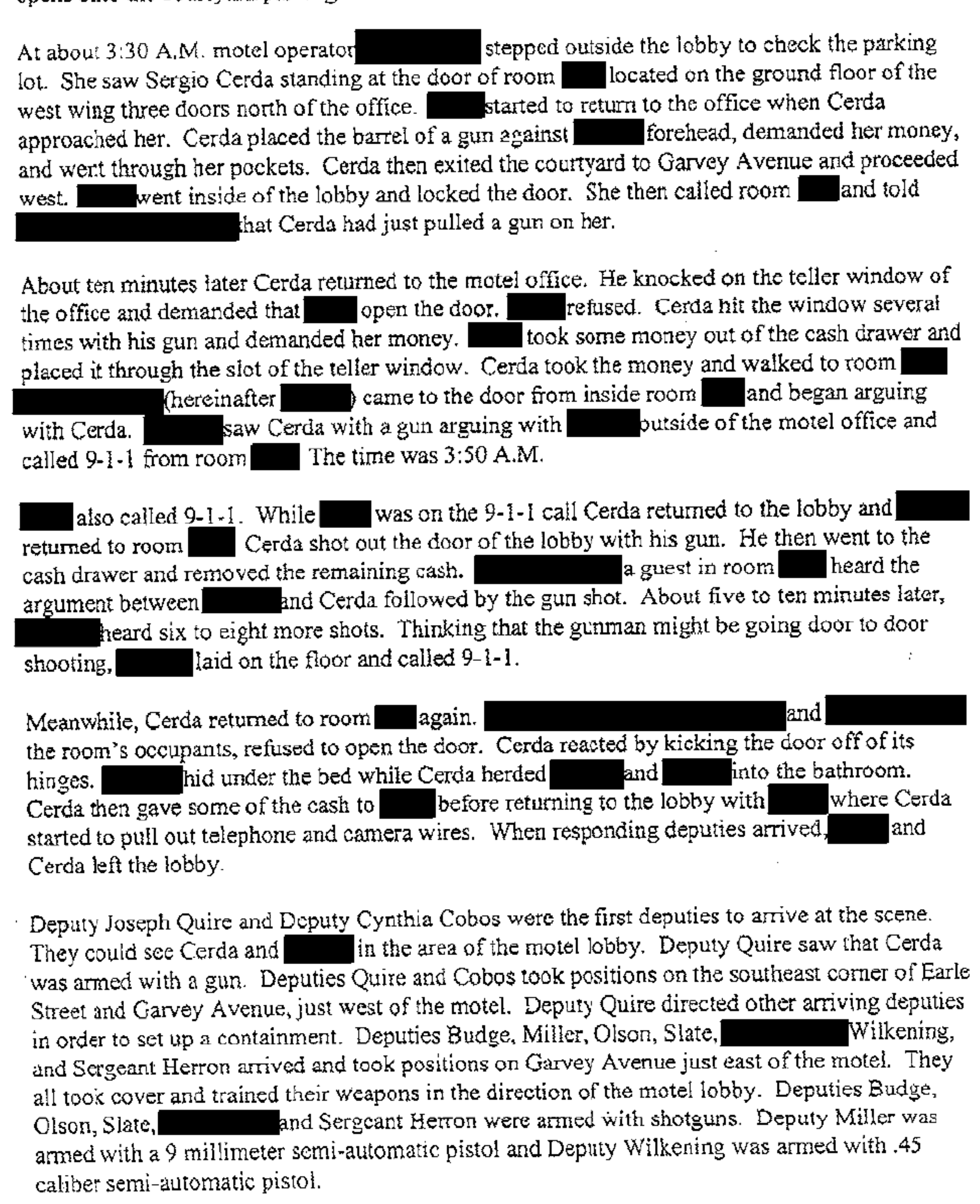
Re: J.S.I.D. File # 01-1141
L.A.S.D. File # 001-17422-0533-032

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 18, 2001, non-fatal shooting of Sergio Anthony Cerda by Los Angeles County Sheriff's Deputies Nicholas M. Budge, Richard J. Miller, Eric C. Olson, Randall B. Slate, Anthony R. Valenzuela, Mark C. Wilkening, and Sergeant Edward G. Herron. It is the conclusion of this office that Deputies Budge, Miller, Olson, Slate, [redacted] Wilkening, and Sergeant Herron acted lawfully in self-defense and in the defense of others.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department submitted to this office by Detective Gabrielle Graves, Sheriff's Homicide Bureau, on May 8, 2002. The District Attorney Command Center was notified of this shooting on November 18, 2001, at 5:46 A.M. The District Attorney Response Team, comprised of Deputy District Attorney Charles Clay and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the incident and a walk through by Sheriff's Detective Bill Marshall. They interviewed, in conjunction with Sheriff's investigators, eight civilian witnesses.

FACTUAL ANALYSIS

This shooting took place at the Nice Day Inn, 8643 East Garvey Avenue in the City of Rosemead. The Nice Day Inn is a two story motel located on the north side of Garvey Avenue. There is a central courtyard/parking area with a driveway exit on the south side to Garvey Avenue. The motel buildings form a "U" surrounding the courtyard on the west, north, and east sides. The motel lobby is on the ground floor of the west wing of the building. The motel office



is in the lobby, located behind an unsecured counter. There is a teller window in the office which opens onto the courtyard/parking area.

At about 3:30 A.M. motel operator [redacted] stepped outside the lobby to check the parking lot. She saw Sergio Cerda standing at the door of room [redacted] located on the ground floor of the west wing three doors north of the office. [redacted] started to return to the office when Cerda approached her. Cerda placed the barrel of a gun against [redacted] forehead, demanded her money, and went through her pockets. Cerda then exited the courtyard to Garvey Avenue and proceeded west. [redacted] went inside of the lobby and locked the door. She then called room [redacted] and told [redacted] hat Cerda had just pulled a gun on her.

About ten minutes later Cerda returned to the motel office. He knocked on the teller window of the office and demanded that [redacted] open the door. [redacted] refused. Cerda hit the window several times with his gun and demanded her money. [redacted] took some money out of the cash drawer and placed it through the slot of the teller window. Cerda took the money and walked to room [redacted] [redacted] (hereinafter [redacted]) came to the door from inside room [redacted] and began arguing with Cerda. [redacted] saw Cerda with a gun arguing with [redacted] outside of the motel office and called 9-1-1 from room [redacted] The time was 3:50 A.M.

[redacted] also called 9-1-1. While [redacted] was on the 9-1-1 call Cerda returned to the lobby and [redacted] returned to room [redacted] Cerda shot out the door of the lobby with his gun. He then went to the cash drawer and removed the remaining cash. [redacted] a guest in room [redacted] heard the argument between [redacted] and Cerda followed by the gun shot. About five to ten minutes later, [redacted] heard six to eight more shots. Thinking that the gunman might be going door to door shooting, [redacted] laid on the floor and called 9-1-1.

Meanwhile, Cerda returned to room [redacted] again. [redacted] and [redacted] the room's occupants, refused to open the door. Cerda reacted by kicking the door off of its hinges. [redacted] hid under the bed while Cerda herded [redacted] and [redacted] into the bathroom. Cerda then gave some of the cash to [redacted] before returning to the lobby with [redacted] where Cerda started to pull out telephone and camera wires. When responding deputies arrived, [redacted] and Cerda left the lobby.

Deputy Joseph Quire and Deputy Cynthia Cobos were the first deputies to arrive at the scene. They could see Cerda and [redacted] in the area of the motel lobby. Deputy Quire saw that Cerda was armed with a gun. Deputies Quire and Cobos took positions on the southeast corner of Earle Street and Garvey Avenue, just west of the motel. Deputy Quire directed other arriving deputies in order to set up a containment. Deputies Budge, Miller, Olson, Slate, [redacted] Wilkening, and Sergeant Herron arrived and took positions on Garvey Avenue just east of the motel. They all took cover and trained their weapons in the direction of the motel lobby. Deputies Budge, Olson, Slate, [redacted] and Sergeant Herron were armed with shotguns. Deputy Miller was armed with a 9 millimeter semi-automatic pistol and Deputy Wilkening was armed with .45 caliber semi-automatic pistol.

[redacted] walked out of the driveway of the motel towards Garv..y Avenue. Deputies ordered him to lift his shirt, show his hands, and lie face down on the street, which he did. As [redacted] was lying down, Cerda walked towards the street carrying a short barreled shotgun. Cerda was directed to put the gun down, but instead he shouted, "This is Lomas," "Fuck you," "You're going to have to kill me, I have sixty bullets," "Come get me," and other defiant remarks. Cerda then turned and went back into the motel courtyard.

Using one of the patrol vehicles for cover, deputies moved forward, took [redacted] into custody and removed him to the command post. [redacted] had cash from the motel cash register in his back pocket. Cerda then reappeared, shirtless and still holding a shotgun. Again he refused to comply with demands that he drop the gun. Cerda went into the courtyard again, only to reappear moments later, shotgun in hand. Cerda threw some currency on the ground, then went into the courtyard a third time. He was out of sight briefly, then reappeared. He raised the shotgun in the direction of Deputies Budge, Miller, Olson, Slate, [redacted] Wilkening, and Sergeant Herron and fired one shot.

Deputies Budge, Miller, Olson, Slate, [redacted] Wilkening, and Sergeant Herron all shot at Cerda. Deputy Budge fired two rounds, Deputy Miller eleven, Deputy Olson one, Deputy Slate two, Deputy [redacted] between one and three, Deputy Wilkening one, and Sergeant Herron two. Cerda then retreated into the office where he called 9-1-1 and spoke to Sergeant Allen Kunihiro. Cerda told Sergeant Kunihiro that he had shot and killed the clerk, and was ready to shoot it out with deputies. Cerda also told Sergeant Kunihiro that he was shot and wanted medical treatment. When Sergeant Kunihiro told Cerda that no paramedics would be sent to treat him until he surrendered, Cerda put the phone down, walked outside and surrendered to deputies. A 12 gauge sawed off shotgun was recovered from the parking area of the motel.

Cerda was taken into custody and treated at Los Angeles County Medical Center for his wounds. He suffered two injuries. One was a through and through wound to his buttock. The other was a through and through wound to his leg. It could not be determined which weapon was the source of these injuries. Cerda was released to the Twin Towers Detention facility.

Cerda was charged in felony information GA047972 with four counts of attempted murder of a peace officer, three counts of assault with a firearm on a peace officer, one count of attempted robbery, two counts of robbery, and three counts of assault with a firearm. His first pretrial conference is currently set for July 3, in Northeast H, Pasadena, California.

CONCLUSION

It is well established law in California that a police officer has the right to use deadly force in self-defense or the defense of others when that officer reasonably believes that an individual is threatening any person with deadly force. Deadly force in defense of self or of another is justified when a person actually and reasonably believes that he or another is in imminent danger of great bodily injury or death. See *People v. Williams* (1975) 75 Cal.App.3d 731, 739, citing *People v. Glover* (1903) 141 Cal. 233, 239 and *People v. Ortiz* (1923) 63 Cal.App. 662, 668.

Cerda confronted Deputies Budge, Miller, Olson, Slate, [redacted] Wilkening, and Sergeant Herron with a shotgun. Deputies knew that multiple shots had been fired by Cerda inside of the motel and that multiple crime victims were still within the motel. Deputies were unable to enter the motel to determine if any guests or employees were injured. The deputies were blocked by Cerda, who told them that they were going to have to kill him. Cerda then fired at the deputies. The deputies' belief that Cerda posed an imminent threat to the lives of all those present was certainly reasonable. Their use of deadly force was justified.

It is our opinion and legal conclusion that Deputies Budge, Miller, Olson, Slate, [redacted] Wilkening, and Sergeant Herron acted lawfully in self-defense and in defense of others. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Daniel W. Baker

DANIEL W. BAKER
Deputy District Attorney
(213) 974-4105

c: Deputy Nicholas M. Budge,#[redacted]
Sergeant Edward Herron, #[redacted]
Deputy Richard J. Miller, #[redacted]
Deputy Eric C. Olson, #[redacted]
Deputy Randall B. Slate, #[redacted]
Deputy Mark C. Wilkening, #[redacted]
Deputy [redacted] #[redacted]